Madison County

PERSONNEL POLICY & PROCEDURES HANDBOOK

Effective July 14, 2020

RESOLUTION NO. 21-2020

A RESOLUTION ADOPTING PERSONNEL POLICIES AND ADDENDA

(SUPERSEDING ALL OTHER PERSONNEL POLICIES AND AMENDMENTS)

WHEREAS, the Madison County Board of County Commissioners desires to establish uniform policies and procedures for personnel administration;

WHEREAS, the attached personnel policies and addenda will supersede all previous personnel policies, except for Resolutions 4-2014 (regarding County Credit cards at nursing homes) & 5-2014 (regarding the County gas card), and all temporary personnel resolutions related to the COVID-19 pandemic.

NOW, THEREFORE, BE IT HEREBY RESOLVED that these Personnel Policies and

Addenda be adopted, effective July 14, 2020.

BOARD OF MADISON COUNTY COMMISSIONERS
MADISON COUNTY, MONTANA

Dan W. Allhands
Commissioner Chair

Ronald E. Nye
Commissioner

James L. Hart
Commissioner

APPROVED AS TO FORM AND CONTENT

County Attorney (Dep.)

ATTEST:

Kathleen A. Mumm
Clerk and Recorder
Madison County

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PURPOSE AND DISCLAIMERS

The Madison County Board of Commissioners has prepared this handbook to answer some of the questions concerning employment with Madison County and its policies and procedures. Please read it thoroughly and retain it for future reference.

These Personnel Policies and Procedures shall apply to all Madison County employees. Elected Officials and certain appointed officials may, however, be exempt from certain portions of these policies or be covered by alternate policies or agreements.

The Board of Commissioners retains discretion to approve exceptions to any policy where the policy is not mandated by law. Elected Officials may also approve exceptions to policies which are not mandated by law and which do not substantially impact budgeting or the use of County resources. Approval of an exception is not a guarantee that similar exceptions will be granted at other times or for other employees.

In the event of conflict between these rules and any contract for a specified term of employment, County resolution or rule, or state or federal law, the terms and conditions of that contract, rule or law shall prevail to the extent they differ. In the event of the amendment of any resolution, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes as of the effective date of the change.

Madison County specifically reserves the right to repeal, modify or amend these policies at any time, with appropriate public notice. None of these provisions shall create a vested contractual right in any employee or to limit the power of the Board of Commissioners to repeal or modify these rules. The Board of Commissioners shall ensure that any potentially impacted employees are promptly notified of any changes to these policies and that, except in emergency situations, interested employees have an opportunity for input regarding any proposed changes to these policies. Whenever reasonably possible, a staff meeting will occur before changes to this Handbook are formally adopted, and employees will be given at least 14 calendar days to submit any comments to the Board of Commissioners. Notice may also be sent to employees by other means, such as attachments to paycheck stubs and/or electronic mail.

If any part of this Handbook is found to be unenforceable, invalid, or in conflict with the law, the other provisions of this Handbook are still applicable and valid.

Nothing in this Handbook is intended to prevent the County from exercising the customary functions of management. These include, but are not limited to, the rights to manage and control County buildings,

property, grounds, and equipment; to contract out work; to select, hire, promote, assign, layoff, and discipline employees; to determine and change starting times and quitting times; to transfer employees within programs/services to other departments and other classifications; to train employees; to determine and change the size, composition, and qualifications of the workforce; to establish and adopt new policies, rules and regulations; to determine and modify job descriptions and classifications; to establish or change criteria for performance appraisals; and to carry out all other ordinary functions of management.

This Handbook is not intended to anticipate every situation or answer every question about employment. Any employee who needs more information on any policy should first contact their direct supervisor or Department Head, then Human Resources personnel, then the Chief Administrative Officer, then the Board of Commissioners.

Certain individuals who have been elected to office or have been appointed as provided by applicable law may be exempt from some or all of the time off, compensation, hiring, discipline, grievance and other policies provided by this handbook.

All other persons employed by Madison County are subject to these policies. To the extent that the provisions of the statute or ordinance under which the person has been elected or appointed to their position provide for different terms and conditions of employment than provided by these policies, those statutes or ordinances will take precedence.

If an employee has questions concerning their status, they should ask their Supervisor.

DEFINITIONS

The following definitions apply to this Handbook:

1. "Department Head" means any County employee, who is responsible for managing a County agency or a department of the county government. This term includes, but is not limited to, Elected Officials.

2. "Discrimination" means any conduct that is described as unlawful by Title 49, Chapter 2, Part 3, Montana Code Annotated, as well as any other conduct that is defined as unlawful discrimination by Montana or federal law. This generally includes taking any adverse action against a person, or refusing to provide a person with benefits, services, or employment, because of that person's race, creed, religion, color, national origin, age, physical or mental disability, marital status, sex, or other protected characteristic, except where the nature of the benefit, service, or employment reasonably requires an age, physical or mental disability, marital status, or sex distinction.

3. "Elected Official" means any County officer or employee who is elected by the general public, such as the County Commissioners, County Attorney, Justice of the Peace, Clerk and Recorder, Clerk of the District Court, County Treasurer, and County Sheriff. Employees who are appointed to an elected position due to a midterm resignation or retirement are considered to be "Elected Officials" for the purposes of this handbook.

4. "Harassment" means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, veteran's status, or any other category protected by law or that of his or her relatives, friends, or associates, and which a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities. Harassment includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and/or written or graphic material that denigrates or shows hostility or aversion toward an individual or group and which is placed on walls or elsewhere on the employer's premises or is circulated in the workplace. Harassment also includes Sexual Harassment as defined below.

5. "Sexual Harassment" includes a range of subtle or not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual

deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature when a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; and/or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

6. "Supervisor" means any County employee who has responsibility for supervising or managing other county employees. This term includes, but is not limited to, Department Heads and Elected Officials.

RECRUITMENT AND HIRING

PROCESS:

The following procedures should be adhered to by all departments in filling positions, except where otherwise provided by law:

1. Department Heads may initiate the process to fill an existing position by providing a completed Authorization to Fill form to Human Resources. The Department Head may do so as soon as they are aware that a replacement will be needed. Upon receipt of said form, the selection process will begin. Human Resources will assist with the selection process to the extent desired by the Department Head. Requests to create new positions, or to substantially increase the budget for a position (for example, by making a part-time position full time) must be approved by the Board of Commissioners before the selection process begins.

2. A job description should be created or reviewed and updated as necessary.

3. A determination of minimum education and experience qualifications for the position should be established. These qualifications are normally expressed as the number of years and types of education and experience, which typically qualify a person to perform the specific duties of the job. These qualifications should be stated as the typical qualifications of persons qualified to perform the job and an allowance for candidates to establish their equivalent qualifications through alternate means should be made unless a qualification is required by applicable law, rule, regulation or contract.

4. A selection committee consisting of two or more members should be appointed. The selection committee, in cooperation with the Board of Commissioners and/or the appropriate Department Head, will develop the selection strategy for application review, determination of testing methodology, administration of tests and scoring, and reference check criteria. The selection strategy should be developed in advance of the job posting, including questions, model answers, assignment of relative importance of each job factor, and total points and minimum passing scores.

5. Selection strategy may include one or more job related selection procedures including, but not limited to, oral interviews, review of application materials, references checks, performance tests or other valid screening devices.

Madison County may recruit for vacant positions internally before recruiting externally or internal recruitment may run concurrently with external recruitment. Internal postings will generally be made for at least five working days before interviews are scheduled. External postings will generally be made for at least two weeks before interviews are scheduled.

All positions for which applications are solicited from outside the ranks of the current employees must be listed with Montana Works and in a local newspaper of record. The hiring Department Head and/or Human Resources may list vacancies elsewhere in their discretion. Additional recruitment may be conducted where it is believed appropriate to obtain sufficient numbers of qualified applicants.

The County reserves the right to reject any and all applications for the position and re-advertise or extend the deadline for receipt of applications if there are not sufficient qualified applicants. Some positions may be required to live in Madison County and/or reside at locations where they can report to their assigned work site within 30 minutes of receiving an emergency call in notification. Elected Officials must comply with any legal residency requirements for their position, but are not subject to any additional residency requirements.

Madison County reserves the right to reassign current County employees to positions without a competitive selection process when necessary to implement an accommodation, reorganization or for other legitimate business reasons.

Madison County may also utilize the pool of candidates created in a recruitment effort for additional vacancies for the same position within 6 months, at the discretion of the hiring Department Head.

Applications for a posted position will not be considered after the published closing and/or receipt date unless the position is advertised as "open until filled."

In external hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. Where a scored procedure is not used in an external hiring, disabled veterans, eligible relatives or veterans, in that order, are entitled to a preference over any non-preferred applicant holding substantially equal qualifications. (Section 39-29-102 MCA)

In all external hiring, persons with a disability and their eligible spouses are entitled to a preference in hiring over other non-preference applicants with substantially equal qualifications. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications.

Job offers shall be conditional and made in writing. Unless otherwise specified at the time of granting permission to recruit, the Department Head may extend the conditional offer of employment to the successful candidate.

A conditional offer of employment shall specify whether the job is permanent, temporary, seasonal, or a short-term position; and whether the job is full-time or part-time. The offer should also specify the position, title, salary, work location, starting date, hours of work, and any additional special information related to terms and conditions of employment (i.e., responsibility to acquire or maintain a license or certification, need to work rotating shifts, etc.) that may be appropriate to be included. The terms of all job offers must be consistent with existing policy and practice unless an exception has been pre-approved by the Board of Commissioners.

All conditional offers of employment are contingent upon the candidate successfully passing a background check. Other pre-employment screenings, such as drug & alcohol testing and/or credit checks, will also be required when stipulated in the appropriate job description. For hiring purposes, the County may elect to use a former candidate or employee's previous background check if it was performed within the previous 12 months.

POSITION DESCRIPTIONS

Position descriptions and job specifications shall be maintained by the various departments for all permanent full-time, permanent part-time, temporary, seasonal and short-term worker positions.

Duties listed in a position description are intended only as illustrations of the various types of work assigned as of the point in time the description was created or last updated and therefore the description does not constitute an employment agreement between the County and employee.

Madison County reserves the right to assign duties to any competent employee except where doing so would violate the terms of an applicable law, policy or contract. Job descriptions are subject to change as the needs of Madison County and the duties and responsibilities assigned to the job change.

Each employee's position description is maintained as part of his/her personnel file.

EQUAL EMPLOYMENT OPPORTUNITY:

The County is an equal employment opportunity employer. The County does not refuse employment or discriminate in compensation or the other terms, conditions, and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, pregnancy, religion, creed, sex, sexual orientation, political beliefs, genetic information, or veteran's status. The County does not tolerate Discrimination or Harassment because a person is married to or associates with any of these protected categories.

The County shall follow all federal and state laws and regulations prohibiting Discrimination.

PRE-EMPLOYMENT INQUIRIES:

Madison County will exercise its right to verify and validate information given during the recruitment process in order to ascertain suitability for employment. This will be done through reference checks with individuals from the candidate's previous employment, as authorized by the applicant with respect to external applicants, and with the immediate and previous supervisor(s) of internal applicants.

All external applicants interviewed for a position at Madison County will be asked to provide written authorization for the County to obtain reference information from current and former employers.

Department Heads are responsible for obtaining references on potential employees. Human Resources may assist the hiring Department Head in obtaining employment references.

Whenever possible, a minimum of two to three verbal references from current and/or former employers should be obtained for any candidate to whom a Department Head would consider making a job offer. If the candidate has listed less than two reference sources he/she should be asked to provide names of individuals with whom he/she has been involved in a volunteer capacity, with community groups, etc. References may include immediate superiors, peers and subordinates. References from those to whom a candidate reported, are preferred.

All candidates interviewed will be reminded during the interview process that references will be checked. If the chosen candidate's reference is a current employer, the candidate will be contacted prior to the reference being called so that he/she may inform the reference(s).

Reference information collected from outside sources will be maintained in the employee's personnel file for the entire period of the individual's employment, along with other information from the selection process.

References given to outside companies on current/former employees must be documented and maintained by the hiring Department Head. Records of references for terminated employees should be forwarded to Human Resources where they will be maintained in the employee's personnel file. All reference information, given or received, is considered to be confidential, and is protected under the *Freedom of Information Guidelines*, as this document relates to employment.

Except as may be required by the reasonable demands of a position (a bona fide occupational qualification) or compliance with a lawful affirmative action plan or government reporting or record-keeping requirements, Madison County will not elicit information concerning race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs or ideas from applicants for employment.

Madison County will obtain information required for tax, insurance, social security, compliance with garnishment or immigration laws or other legitimate business purposes after employment.

Pre-Employment Inquiries for Internal Candidates

On commencing employment or on applying for an internal position with Madison County, the employee will be advised that if they are being considered for an internal competition, internal references, their personnel file, including documented performance appraisals, documented disciplinary action, and attendance records shall be made available to the hiring Department Head, and will be included in part of the hiring decision for the new position.

Information on an internal candidate's previous performance shall normally be required following completion of an internal job competition procedure. The hiring Department Head may access the employee's personnel file of the new staff member to review previous performance appraisals on file and other information as listed above. Human Resources will also offer any assistance they can in this regard.

Normally, the hiring Department Head will obtain internal references. At the request of the hiring Department Head, Human Resources may conduct internal reference checks. These checks will be directly related to the competency requirements of the position into which the candidate will be hired and the results of the check will be incorporated into the interview and evaluation process.

Supervisors and other County employees may respond to Human Resources' requests for internal references in respect of the criteria developed by the selection panel and only to the extent that their comments are

supported by documented information in the personnel file. Unsupportable commentary may not be considered or used in the selection process.

PRE-EMPLOYMENT PHYSICAL EXAMINATIONS:

Madison County may require pre-employment medical examinations only when necessary to determine ability to perform the physical duties of a particular position. Any pre-employment medical examination will be job-related.

Madison County will require a pre-employment medical examination only after a conditional offer of employment has been made to a job applicant and only when the following requirements are met:

1. All applicants for the same position are subjected to the examination regardless of the existence or severity of a disability.
2. The results of the examination are maintained on separate forms and in separate files and are treated as confidential, except that supervisor and Department Heads may be informed regarding necessary restrictions and accommodations and safety personnel may be informed if a disability might require emergency treatment.
3. The results of the examination will not be used to refuse employment or to make a distinction in employment unless a medical evaluation establishes inability of the particular applicant to safely and efficiently perform the duties of the position with reasonable accommodation, if necessary.

NEPOTISM

Nepotism is defined in state statute. In general, it prohibits the hiring and appointment of individuals within certain familial relationships. The County prohibits nepotism. If an employment situation relating to marital status poses a conflict with the nepotism policy, the involved employees must notify the Board of Commissioners so that reasonable steps can be instituted to ensure statutory compliance.

The statutory prohibition does not apply to a sheriff appointing a cook and/or attendant, employment of election judges, or the renewal of an employment contract for a relative initially hired before a related member assumed duties of the office.

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA):

The County is committed to complying fully with the Americans with Disabilities Act (ADA) and Montana Human Rights Act (MHRA). The County will ensure equal opportunity in employment for qualified persons with physical or mental disabilities. Reasonable accommodation is available to employees with disabilities to

the extent required by law. Reasonable accommodation is also available for religious beliefs. An accommodation which creates an undue hardship on the County or which endangers health or safety is not a reasonable accommodation.

Any employee or job applicant may request an accommodation by contacting their Supervisor verbally or in writing. A request for accommodation is the first step in an interactive process between the individual and the County, to clarify the individual's request and to identify any appropriate reasonable accommodation.

If the Supervisor and employee or applicant are unable to resolve the request for accommodation, then either may refer the matter to Human Resources or the Chief Administrative Officer. The County has the right to request reasonable documentation to support any accommodation request. Department Heads and Elected Officials should direct questions regarding what accommodations are reasonable to the County Attorney's office.

EMPLOYMENT CLASSIFICATIONS:

As provided by § 2-18-101 MCA, all Madison County employees are assigned to the following employment classifications in each group by the appropriate County officer at the time of initial hire. Changes to employment classification can only be made by Department Heads or Elected Officials with the approval of the Board of Commissioners.

- ***Exempt employee*** is one not subject to the overtime pay provisions of the federal Fair Labor Standards Act of 1938 (FLSA) as amended, and its regulations; i.e., employees exempt from the overtime pay provisions of the FLSA in a position designated as executive, administrative, professional, or other exemption as these terms are defined in law. The employee must meet the definition of *exempt* as defined by the FLSA and the Montana Minimum Wage and Overtime Compensation Act. (See FLSA website: http://www.dol.gov/compliance/laws/comp-flsa.htm)

- ***Non-exempt employee*** means one who is subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 as amended, and its regulations.

- ***Full-time employee*** means one who is scheduled to work 40 hours a week.

- ***Part-time employee*** means one who is scheduled to work less than 40 hours a week.

- ***Permanent employee*** means one who is assigned as permanent who has attained or is eligible to attain permanent status.

- ***Seasonal employee*** means a permanent employee designated by the County as seasonal who performs duties interrupted by the seasons and whom the County may recall without a loss of rights or benefits.

- ***Short-term employee*** is one hired by the County for an established hourly wage, who may not work for the County for more than 90 days in a continuous 12-month period, who is not eligible for permanent status, who the County cannot hire into another position without a competitive selection process, and who is not eligible to earn leave, holiday pay or any other benefits.

- ***Temporary employee*** is one designated by the County as temporary for a definite period of time not to exceed 12 months, who performs temporary duties or permanent duties on a temporary basis, whose employment terminates at the end of the employment period, and who is ineligible to become a permanent employee without a competitive selection process.

PROBATIONARY EMPLOYMENT PERIOD:

It is the policy of the County that new employees shall complete a probationary period. The purpose of a probationary period is to provide a trial period to assess employees' abilities to perform their job duties, to assess their conduct on the job, and to determine if they should be retained beyond the probationary period and attain permanent status. All new employees shall be given a six-month probationary period, except for Department Heads and Deputy Sheriffs (see § 7-32-2105, MCA), who shall be given a twelve-month probationary period. Department Heads may choose to extend an employee's probationary period by up to three months. The Board of Commissioners may choose to extend a Department Head's probationary period by up to three months. If the probationary period will be extended, the employee shall be notified of this in writing prior to the expiration of the initial probationary period. After probation has been satisfactorily completed, the employee is considered a permanent employee. This policy does not apply to temporary staff, short-term workers, or contractors, who cannot attain regular status.

The provisions of the Employee Grievance section of this Handbook do not apply to probationary employees.

A probationary employee who does not successfully complete probation shall be notified of their termination in writing by the appropriate Supervisor. The Department Heads shall notify Human Resources of the termination, and a copy of the notification shall be retained in the personnel file. Evaluations may be conducted during the probation period to assess performance and to advise the employee of expectations regarding performance. If the employee successfully completes the probation period, he/she shall be informed in writing by the appropriate Supervisor.

If a situation arises during an employee's probationary period for which a leave is granted, the probationary period will be extended by the length of the approved period of time off.

Existing County Employees who obtain or who are assigned to new positions, whether within their Department or in another Department, will not be subject to a new probationary period. Former employees who are re-hired after completing their probationary period will not be subject to a new probationary period.

NON-DISCRIMINATION

It is the policy of Madison County and its officers and employees to provide an environment free from all forms of intimidation, hostility, offensive behavior, harassment, and unlawful discrimination. Where the reasonable demands of the job do not so require, Madison County and its officers and employees shall not discriminate on the basis of race, color, religion, creed, political beliefs or ideas, genetic history, sex, age, marital status, physical or mental ability, or national origin when:

1. providing and performing all services;
2. distributing funds, providing grants, loans, other financial assistance administering training programs;
3. granting, denying, or revoking licenses;
4. contracting or subcontracting for construction of public buildings or for other public work or for goods or services; and/or
5. providing educational or on the job training opportunities.

REPORTING AND PREVENTION OF HARASSMENT AND DISCRIMINATION:

The County will not tolerate Harassment or Discrimination. All employees are encouraged to immediately report any observed Harassment or Discrimination to their Supervisors or the first level of management not involved in the harassment or discrimination. Early reporting is important, because the County's ability to investigate and act on reports diminishes with time. The employee shall cooperate with the supervisor, manager, or other designated management representative in investigating and verifying the report.

All Supervisors are responsible for following this policy. Supervisors who witness, or receive reports of, Harassment or Discrimination shall immediately take steps to stop the behavior, document the actions, and report the behavior to the Chief Administrative Officer or a County Commissioner. The Chief Administrative Officer shall review any report or complaint of harassment or discrimination and take appropriate action.

The Chief Administrative Officer or, if the Chief Administrative Officer is directly involved or unavailable, Board of Commissioners shall initiate an investigation or recommend another appropriate representative to investigate the complaint. The County may designate a representative of its choosing to perform any investigation. All employees shall fully cooperate with any investigation into Harassment or Discrimination. The factual report and final decision will remain confidential and be disseminated to only those persons having a need to know, which will include both the reporting employee and the accused employee.

Employees who are responsible for Harassment or Discrimination may be subject to disciplinary action, including immediate termination, if an investigation substantiates the accusation. The severity and extent of the Harassment or Discrimination will ultimately guide the decision on how discipline will be determined.

Employees who are found to have made claims of Harassment or Discrimination that they knew were false may face appropriate disciplinary action. Employees who do not cooperate with a County investigation regarding Harassment or Discrimination may also face appropriate disciplinary action.

RETALIATION:

Neither the County nor any employee shall retaliate against any employee for filing a complaint or for participating in any way in a complaint investigation procedure under this policy. Any employee who suspects he/she is being retaliated against because he/she made a complaint or participated in an investigation should immediately report the actions, following the guidelines above. The report shall be investigated and dealt with appropriately.

All employees have the right to make a complaint under this policy. The County will not retaliate against any employee for making such a complaint, whether the complaint is made internally or to an outside agency, and whether the complaint is eventually substantiated or not. To be retaliation, the adverse employment action must be because the employee submitted a discrimination complaint, and not due to any valid performance concerns or policy violations by the employee.

Examples of retaliation could include:

- Reprimanding an employee;
- Transferring an employee to a less desirable position;
- Engaging in verbal or physical abuse;
- Threatening to make, or actually making, reports to authorities;
- Increasing scrutiny;
- Spreading false rumors, treating a family member negatively; or
- Making the person's work more difficult.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Employees are not excused from continuing to perform their jobs or follow the County's legitimate workplace rules just because they have filed a complaint or opposed discrimination.

Any employee that believes they have been retaliated against should report their concerns immediately. The reporting and investigative process which applies to claimed Harassment or Discrimination also applies to claims of retaliation.

This policy does not prevent disciplinary action against employees who make false and malicious complaints of Harassment, Discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith).

WHISTLEBLOWER PROTECTIONS:

Neither the County, nor any employee shall retaliate against, condone or threaten retaliation, against any employee who, in good faith, alleges waste, fraud, or abuse by the County. For this section, retaliate means to take any of the below actions against an employee because of their good faith allegations of waste, fraud, or abuse:

- Terminate employment;
- Demote;
- Deny overtime, benefits, or promotion;
- Discipline;
- Decline to hire or rehire;
- Threaten or intimidate;
- Reassign to a position that hurts future career prospects;
- Reduce pay, work hours, or benefits; or
- Take another adverse personnel action.

Any employee who believes they have been retaliated against under this section and chooses to file a grievance must file one as outlined in **Employee Grievance** policy below.

COMPLIANCE WITH THE FEDERAL GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 (GINA):

GINA prohibits discrimination based on genetic information with respect to employment or group health plans. County managers may not request, require, or purchase genetic information about employees or their family members, or use genetic information to:

- discriminate against an individual in hiring, discharge, compensation, terms, conditions, or privileges of employment;
- make decisions about admission to apprenticeship and training programs, including on-the-jobtraining;
- limit, segregate, or classify an individual;
- fail or refuse to refer an individual for employment;
- deprive an individual of employment opportunities; or
- acquire health insurance or set premiums under the group health plan.

NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

The protection of confidential information is vital to the interests and success of Madison County and its residents. Such confidential information includes, but is not limited to, the following examples:

- Confidential criminal justice information
- Confidential employee information
- Confidential/sealed court files
- Attorney work product
- Personal medical information

If an employee has access to confidential information, they may be required to sign a non-disclosure agreement as a condition of their employment. Improper use or disclosure of confidential information may result in disciplinary action, up to and including termination of employment and legal action, even if the

violator of this policy does not actually benefit from the disclosed information. In some cases, improper use or disclosure of confidential information can lead to criminal charges and/or civil liability against the individual employee. Employees who have access to confidential information are expected to be familiar with any laws and department policies that apply to the disclosure of such information.

CONFLICT OF INTEREST

Employees are expected to devote their best efforts and attention to the full-time performance of their jobs. A conflict of interest exists when the employee's loyalties or actions are divided between Madison County and those of another, such as a customer, supplier or competitor. Employees unsure as to whether a certain transaction, activity or relationship constitutes a conflict of interest should discuss it with their Department Head or the Board of Commissioners.

PAY AND BENEFITS

EMPLOYEE COMPENSATION:

Raises, or increases in base pay, if given, will normally be given at the start of the new fiscal year. The County fiscal year runs from July 1 to June 30. At the time of hire, the employee will normally be placed at the starting or introductory wage for that specific position. Any other pay increases not addressed in this handbook are dependent solely upon performance or requirements of the specific position.

Madison County utilizes an annual Salary Resolution to determine pay for each County position. The rates of pay are adopted from time to time by the Board of Commissioners and changes are generally effective at the beginning of a County fiscal year- July 1st. There are classification requirements within the specific position descriptions which more clearly define wage compensation rates. Beginning wages are reviewed and adjusted if necessary by resolution of the Board of Commissioners. New employees who have prior relevant experience may in some cases start above the beginning wage, with advance approval from the Board of Commissioners. In some cases, employees who start above the beginning wage may not be eligible for some of the automatic pay increases described in this handbook. Where that is the case, the employee must be clearly informed of this fact before they begin employment.

Human Resources or the Chief Administrative Officer may recommend changes to the Salary Resolution to the Board of Commissioners. Any changes to the Salary Resolution must be made by a public resolution of the Board of Commissioners. Any exceptions to the Salary Resolution must be approved in advance by the

Board of Commissioners at a public meeting. County employees should be aware that they are public employees who are paid using taxpayer funds, and as a result, their salaries may be disclosed or discussed at public meetings.

The Salary Resolution shall be available to employees or members of the public upon request. Any formulas used in creating or implementing the Salary Resolution shall also be provided to employees or members of the public upon request.

OVERTIME AND COMPENSATORY TIME:

A. Non-Exempt Overtime Pay

Non-exempt employees (an employee in a position not meeting the definition of *exempt* as defined by the Fair Labor Standards Act, Montana Minimum Wage and Overtime Compensation Act) will receive overtime compensation for hours worked in excess of 40 hours per week at the rate of 1½ times the regular hourly rate of pay, or compensatory time in lieu of overtime payment as described below. Absences while in a leave status (e.g., annual leave, sick leave, personal leave, etc.) shall not be considered hours worked for the purpose of calculating overtime payments or compensatory time earned.

B. Non-Exempt Compensatory Time

Non-exempt employees may receive compensatory time off in lieu of overtime payment if this is mutually agreed upon in writing between the employee and the department head. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of 40 hours per week. Employees may accrue a maximum of 60 compensatory time hours. Employees who have accrued compensatory time and request use of this compensatory time shall be permitted to use the time off within a reasonable time after making the request, if the use does not unduly disrupt the operations of the County. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

Holiday time of eight hours for any paid holiday shall count toward hours worked. However, absences while in a leave status (e.g., annual leave, sick leave, personal leave, etc.) shall not be considered hours worked for the purpose of calculating compensatory time.

The employee's Department Head shall have the authority to approve overtime and compensatory time. No employee shall work overtime or compensatory hours without the prior knowledge and written approval of the Department Head.

C. Exempt Employees

Exempt employees are identified using the criteria listed in The Federal Labor Standards Act (FLSA). Exempt employees do not receive overtime pay or compensatory time.

D. Record Keeping

Department Heads shall ensure that all overtime and compensatory time earned and used is recorded appropriately on the employee's time card as it occurs.

E. Decedent's Warrant or Paycheck Reissuance

Employees may file a designation of a person who, notwithstanding any other provision of law, is entitled, on the death of the employee, to receive all warrants or paychecks that would have been payable to the decedent. The employee may change the designation from time to time. A designated person shall claim the warrants or paychecks from the Finance Office, and on sufficient proof of identity, the Finance Office shall reissue the warrant or paycheck in the name of the designated person and deliver the warrant or paycheck to the designated person.

TIME SHEETS / PREPARATION OF PAYROLL:

In order to prepare County payrolls, it is the policy of the County to have employees prepare and complete time sheets according to established guidelines. It is the employee's responsibility to review their timesheets before submitting it to their supervisor and finance for processing and payment along with the appropriate time off/leave request form (vacation, sick time, FMLA, leave of absences, etc., has been used). Employees must submit the required hours within the applicable pay period based on their employment status (full-time or part-time). The time record will include:

- Employee name
- Department
- Pay period
- Hours to be compensated, broken down on a daily basis into hours worked
- Holiday time
- Sick leave
- Compensatory time

- Vacation
- Leave without pay or other designated leave (e.g., FMLA, etc.)
- Employee signature
- Supervisor's signature

Payroll may be distributed by direct deposit with proper authorization from the employee. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee.

Department Heads and other designated employees may be required to submit daily/weekly Work Logs each pay period along with their timecards.

In addition to the payroll timekeeping system, Department Heads may require individuals to submit additional information such as activity reports where it is necessary to record time spent on various activities to comply with funding or recordkeeping requirements or it is requested by the Board of Commissioners or Chief Administrative Officer. These records are considered public documents, and therefore should not contain any private information.

WORKERS' COMPENSATION:

As required by law, the County pays to cover employees with workers' compensation insurance, which provides payment for medical expenses resulting from a work-related injury or disease.

Employees who are injured or become ill from an occupational hazard may be entitled to reasonable doctor, hospital, prescription and medical care costs. Additional related expenses such as medical travel may be compensated to the extent required or allowed by § 39-71-704, MCA, and/or by Montana's Administrative Rules. After they file a claim, the County's workers' compensation provider shall evaluate the claim, use appropriate fee schedules, and apply certain laws and rules to establish wage loss payments and medical care cost benefits. The provider may investigate the validity of the claim. Workers' comp benefits apply only toward medical conditions directly related to the industrial injury or occupational disease claim.

A. Reporting Provisions

Every work-related injury should be reported promptly to the injured employee's Supervisor, who will then notify the County Human Resources personnel. County Human Resources will provide any employees who report an injury with a copy of any existing County policies regarding workers' compensation claims. Employees who need clarification regarding such policies may discuss the issue with Human Resources

personnel. Employees who believe that an exception to existing policies is necessary in their case should schedule a meeting with the Board of Commissioners, who shall inform Human Resources of the request. Employees should be aware that there may be legal restrictions on making exceptions to workers' compensation policies. Human Resources should direct any legal questions regarding workers' compensation claims to the County Attorney's Office or to the Montana Association of Counties' legal counsel.

Failure to report an injury within 30 days is likely to result in the denial of all workers' compensation benefits. § 39-71-603, MCA. In most cases, claims for workers' compensation expenses must be submitted within one year of the injury. § 39-71-601, MCA.

B. Benefits

Benefits for compensable injuries are governed by state law and include wages, medical, hospital and related services, and other compensation. Wage losses will not be paid for the first 32 hours or 4 days of lost wages, whichever is less, that the employee is unable to work. Employees may use accrued annual or sick leave benefits to cover wage loss during this period. If the employee is disabled for 21 days or longer, the employee will be paid retroactively to the first day of total wage loss. § 39-71-736, MCA.

C. Fraud

Criminal proceedings may be initiated against a person who obtains or assists in obtaining workers' compensation benefits to which the person is not entitled.

CREDIT CARDS AND EXPENSE REIMBURSEMENT:

Authorized County employees may be issued County credit cards or be allowed to have their expenses reimbursed when purchasing supplies or equipment or when travel is required for their jobs. In either case, employees should limit expenses as much as is reasonably practical. Except in emergency situations, expenses and job-related travel should be approved by a Department Head in advance.

The following guidelines regarding credit cards and County reimbursement procedures shall apply to all County employees.

A. Credit Cards

Department Heads, with approval from the Finance Office, may approve employees who regularly purchase

supplies and/or travel as part of their job responsibilities to have County credit cards. No employee whose regular duties do not include purchasing necessary supplies and equipment or traveling on County business shall incur any expense on behalf of the County by any promise or representation without written approval.

If employees are using County-issued credit cards, they must ensure they have read and understood the Cardholder Responsibilities stated in policy. Employees approved to use credit cards are responsible for balancing, coding, and submitting supporting documentation to the Finance Office that matches the statements.

B. Travel Expenses

Traveling is a necessary operation of County government and may be a requirement of the job. Travel expenses are a major budget consideration, so employees must be conscientious, efficient, and economical with travel plans and activities. Employees should keep their lodging expenses as low as possible by requesting a government rate. Employees should also keep transportation costs as low as possible by using cost-effective means of travel, making travel arrangements in advance, minimizing time away from the office, and minimizing time in a paid travel status to that which directly benefits the County.

The County will pay or reimburse employees for certain job-related travel expenses if they properly complete and submit, in a timely manner, their travel expenses via an approved format. Receipts or other appropriate documentation must be submitted with requests for reimbursement. Employees may claim travel time and expenses for a reasonable time before and after the actual business activities that require travel. Employees must file for reimbursement within three months after incurring the expenses.

Employees cannot have an outstanding travel advance for more than 30 days, unless the Board of Commissioners or Chief Administrative Officer approves a permanent travel advance.

The County will reimburse actual lodging expenses provided that this policy is followed. Request for lodging expenses must be accompanied by a receipt.

The County will reimburse reasonable meal expenses when the employee is eligible as described by § 2-18-502, MCA. Generally, this statute provides for meal expenses whenever an employee is traveling for more than three consecutive hours during a meal period.

Meal expenses which do not exceed $10 for a breakfast or a lunch, $15 for a dinner, or $35 total for a full day's meals will be assumed to be reasonable. Department Heads have discretion to approve higher meal expenses where funds in their department's travel budget are available. Employees who do not include receipts with a request for meal expenses will be reimbursed for either their claimed expenses or

the amounts set by § 2-18-501(1), MCA, whichever is lower.

The County will reimburse mileage expenses for any job-related travel which an employee performs in their personal vehicle, in the amount set by the United States Internal Revenue Service. Mileage reimbursement may be reduced when an employee declines to use a County vehicle, or when an employee travels more than 1,000 miles in a calendar month, as detailed in § 2-18-503, MCA. The County does not reimburse County employees for regular commuting expenses, except where required by law.

Other travel expenses will only be reimbursed if they are specifically approved in advance by a Department Head, or if the Board of Commissioners approves an exception to this policy.

Failure to follow this policy may result in reduced reimbursement, denial of a reimbursement claim, or other appropriate discipline.

C. Other Expenses

Where required by law or approved in advance by a Department Head, the County will reimburse employees or directly pay for certifications, membership in professional associations, and/or training expenses that are required for the employee's job or directly beneficial to the County.

Requests for expenses not listed in this policy should be made well in advance and will be addressed on a case by case basis.

HEALTH AND LIFE INSURANCE:

Group health and life insurance programs are described more fully in documents that are issued to each employee once he/she is eligible to participate. A complete description of the group health insurance programs can be obtained from the Finance Office or County Human Resources personnel. These personnel can explain the provisions in master insurance contracts and help employees choose the best options.

In the event of any contradiction between the information appearing in this policy, other County documents, and the information that appears in the master contracts or master plan documents, the master contracts and documents shall govern in all cases. Employees may request all benefit forms and information from the Finance Office or County Human Resources personnel. Employees will be responsible for notifying the benefit plan personnel of any change of status that may affect their benefits. Employees must meet eligibility requirements (e.g., qualifying events) of the benefit program in order to change benefit elections.

A. Insurance Benefits & Eligibility

Employees are urged to contact the Finance Office or Human Resources for information on current insurance benefits and eligibility to determine if they qualify both in terms of length of service and the employee's eligibility for the individual plan as well as their own individual and financial need. Employees of the County should also be aware that any one or all of these benefit programs may be modified or even discontinued at any time by the County. The offer of this benefit package to individual employees should never be construed as a guarantee of coverage under the benefit by the County

The County provides a group health insurance plan available to all permanent full-time and part-time employees scheduled to work at least 20 hours per week (benefits are pro-rated for those employees who work less than 30 hours). Employees who begin work before the 20th day of any month will be eligible for health insurance on the first of the month following the date of hiring. Employees who begin work after the 20th of any month will become eligible on the first of the month following 30 days of employment.

Permanent Part-Time employees regularly scheduled to work at least 20, but less than 30, hours a week are eligible to receive a contribution towards health insurance and will be required to pay for a portion of their health insurance benefit, as determined by the Finance Department and/or Human Resources. Employees who work at least 30 hours per week are eligible for the same benefits as full-time employees.

Employees who do not work at least 130 hours in a calendar month will lose eligibility for full benefits and will receive pro-rated benefits. Employees who do not work at least 80 hours in a calendar month will lose eligibility for health insurance benefits. Holiday benefits, hours in any paid leave status such as sick time or annual leave, and Family Medical Leave Act hours count towards these requirements.

Permanent Full-Time and eligible Permanent Part-Time employees may elect to cover dependents on their Health Insurance plans at their own expense through payroll deduction.

If an employee terminates employment or otherwise becomes ineligible for health insurance, they may, depending on the reasons for separation, be eligible for continuing coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). See the Finance Office for information on continuing coverage.

B. Life Insurance and Disability Insurance

The County provides life and disability insurance coverage available to eligible employees. Eligibility is determined by the employment classification and completion of the introductory period. Additional eligibility requirements may occur under the individual benefit plan. Please see the Finance Office for additional information.

RETIREMENT:

The County offers a retirement program guaranteed by the Montana Constitution through the Public Employees Retirement System (PERS). Participation includes contributions from both the employee and the County.

A. Eligibility

Employees are eligible for participation in PERS beginning on their date of hire, and have 12 months from the first month the County reports the employee to the Montana Public Employees Retirement Administration (MPERA) to file a choice of retirement plans, as described below.

B. Retirement Plan Options

New County employees may choose between two retirement plan options, either the Defined Benefit Retirement Plan (DBRP) or the Defined Contribution Retirement Plan (DCRP). A description of each option can be obtained from PERS. MPERA provides regular Retirement Plan Choice webinars that employees can attend at their convenience from their own computer. MPERA also offers workshops at different locations around the state throughout the year.

Retirement plan choices are irrevocable (i.e., it cannot be changed later), and if an employee does not file a retirement plan election by the end of the 12-month election window, state law will default their choice to the PERS DBRP. The County strongly encourages employees to make the election to ensure they are in the retirement plan that best meets their and their family's needs.

County employees may elect to participate in optional 457 Deferred Compensation Plan. A savings plan established by state and local governments and tax-exempt employers that allows employees to defer portions of their salaries in hopes of gaining an investment return. The money and earnings are typically saved and withdrawn at retirement.

PAID LEAVES OF ABSENCE:

The County follows Montana law on the qualification, accrual, and use of leave. Montana laws regarding leave for public employees can be found in Title 2, Chapter 18, Part 6, Montana Code Annotated.

SICK LEAVE

Sick leave is an authorized paid leave of absence from work when an eligible employee or qualifying family member is sick or requires care. Accumulated sick leave credits are a valuable resource that maintains an employee's income during a period of personal illness or family emergency.

A. Qualification and Calculation

Employees are not entitled to use paid sick leave until they have been continuously employed for 90 days. Permanent, temporary, and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one working day per month without restriction as to the number of working days which may be accumulated. The provisions of § 2-18-618, MCA, govern sick leave for County employees. Short-term workers do not earn sick leave credits.

For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Prorated sick leave credits are calculated by multiplying .046 by the number of hours worked, excluding overtime. Employees may receive cash compensation (at 25% of the available balance) for sick leave credits upon termination of their employment, or they may donate (if permitted) or otherwise utilize sick leave credits subject to the limitations in policy. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

B. Leave Without Pay, Holiday, or Vacation Stipulations

Employees do not accrue sick leave credits during a leave of absence without pay. Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day. With the Department Head's approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave. Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

C. Payment Upon Termination

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum

payment in an amount equal to one-fourth (25%) of the amount attributed to accumulated sick leave. The pay attributed to the accumulated sick leave must be computed on the basis of the employee's salary or wage at the time the employee terminates employment with the County. Termination pay shall apply only to credits earned according to policy since July 1, 1971, per §2-18-618(6), MCA.

D. Use of Sick Leave Pay

Sick leave pay is granted for:

- sickness suffered by the employee or a member of the employee's immediate family;
- time off when an employee is unable to perform job duties because of physical or mental illness, injury or disability;
- maternity or pregnancy-related disability or treatment, including prenatal care, birth, or other medical care for either employee or child;
- parental leave for permanent employees as provided in § 2-18-606, MCA, other State or Federal law, or this Handbook;
- quarantine resulting from exposure to contagious disease;
- consultation, examination, or treatment by a licensed health care provider;
- short-term attendance to an immediate family member or, with advance approval from a Supervisor, another relative because of physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- necessary care of a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; and
- death or funeral attendance of an immediate family member or, with advance approval from a Supervisor, another person. Any requests to use five (5) or fewer working days of available sick leave due to the death of an immediate family member must be granted. Department Heads may approve the use of sick time for longer periods of bereavement leave where appropriate.

E. Reporting

When the need for sick leave is known in advance, an employee must request to use sick leave by first informing their Supervisor of the need and then completing a leave request form. Elected Officials or Department Heads may approve an alternative process to request leave for their employees.

When sick leave is needed for reasons that cannot reasonably be anticipated in advance, the employee should report the need for leave to their Supervisor as soon as it is practical. Failure to report such leave within two hours of the employee's regularly scheduled reporting time may be considered absence without approved leave and may be grounds for disciplinary action, except where a medical emergency or similarly extenuating circumstance delays the employee from reporting.

F. Abuse

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. Sick leave abuse occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time. The employee's Supervisor may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

Medical Exam

A Department Head may require a medical exam when an employee is returning to duty following an illness or absence due to injury and the County has a reasonable belief, based on objective evidence, that the employee's ability to perform the job is impaired by a medical condition or that the employee will pose a direct threat to self or others. Where a medical exam is requested, the employee has the option fulfill the requirement for an exam by providing a medical status or fitness for duty form from their medical provider.

ANNUAL OR VACATION LEAVE

Annual vacation leave or annual leave is an authorized paid absence from work. Permanent, seasonal, and temporary employees are eligible to earn annual leave. An employee begins earning annual leave on the first day of employment, and must complete six calendar months (180 days) of continuous employment to use annual leave or to cash it out upon termination.

A. Procedures for Calculating Annual Leave, Accumulating Credits, Scheduling, and Termination

Annual leave is calculated and credited each pay period based on years of service with any state agency or political subdivision as illustrated in the chart below, and an employee can use it only after earning it. If an employee is part-time, he/she earns annual leave on a prorated basis (for example, if an employee works 20 hours per week, or half-time, he/she will earn leave at half of the full-time rate). An employee does not accrue leave for hours in an unpaid status or based on hours in an overtime status.

Rate Earned Schedule

Years of Employment*	Working Days Credit Per Year
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24

*Years of service need not be consecutive, and prior public or military service may apply.

An employee must request to schedule annual leave and complete a leave request form. Department Heads or Elected Officials may approve an alternative reporting process. Approval or denial of leave is based on the department's and employee's interests, and management reserves the right to deny requests. The total number of annual leave hours approved may not exceed the number of hours in a regular workweek.

An employee may accumulate an annual leave balance of up to two times the eligible accrual rate per year. Balances exceeding this limit are "excess." Except as provided in this policy, excess annual vacation leave may be forfeited unless used within 90 calendar days from the last day of the calendar year in which the excess leave was earned.

Supervisors are responsible for actively managing annual vacation leave for employees by providing reasonable opportunity for an employee to use rather than forfeit accumulated annual vacation leave as provided in § 2-18-617, MCA. To avoid forfeiture of annual leave, management is encouraged to work with employees who have excess vacation leave balances as early as possible in the 90-day grace period or

at an earlier time if the employee's leave balance is projected to exceed two times the annual vacation accrual rate.

Employees are responsible for making a reasonable written request to use excess annual leave during the 90-day grace period. Supervisors may approve all, some, or none of the employee's request by written response. If the original request is not approved, the Supervisor and the employee may negotiate alternate leave dates during the 90-day grace period. If the Supervisor denies all or any portion of the written request, the Supervisor and employee must work together to ensure that the employee may use the excess annual leave before the end of the calendar year. Any excess annual leave not used by the end of the calendar year in which the grace period was extended must be forfeited.

If an employee terminates employment after the eligibility period, he/she can receive cash compensation at the regular rate, or can transfer or donate unused annual leave balance, unless the termination was for a reason reflecting discredit on the employee.

B. Permanent Full-time Employees

Permanent full-time employees earn annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six qualifying months.

C. Permanent Part-time Employees

Permanent part-time employees earn prorated annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six qualifying months. Prorated annual vacation leave credits are calculated using the following schedule multiplied by the hours in pay status in the pay period. Prorated annual vacation leave credits are to be reported by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Rate Earned Schedule

Years of Employment	Hours in the Pay Status in the Pay Period
1 day through 10 years	.058 x # of hours
10 years through 15 years	.069 x # of hours
15 years through 20 years	.081 x # of hours
20 years or more	.092 x # of hours

D. Temporary Full-time Employees

Temporary full-time employees earn the same annual vacation leave credits as permanent full-time employees but may not use the credits until after working for 6 qualifying months.

E. Temporary Part-time Employees

Temporary part-time employees earn the same prorated annual vacation leave credits as permanent part-time employees, but may not use the credits until after working for 6 qualifying months.

F. Seasonal Full-time Employees

Seasonal full-time employees earn the same annual vacation leave benefits as permanent full-time employees, but may not use the credits until after working for 6 qualifying months. In order to qualify, they must be recalled and immediately report back for work when operations resume in order to avoid a break in service.

G. Seasonal Part-time Employees

Seasonal part-time employees earn the same annual vacation leave benefits as permanent part-time employees, but may not use the credits until after working for 6 qualifying months. In order to qualify, they must be recalled and immediately report back to work when operations resume.

H. Short-term Employees

Short-term workers do not receive annual vacation leave credits.

DIRECT GRANTS OF LEAVE:

A. Eligibility to Make a Direct Grant

1. To be eligible to make a direct grant of sick leave, an employee shall have completed the 90-day qualifying period to take sick leave and shall have a minimum balance of 40 hours of accrued sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated. In order to make a direct grant of vacation leave (also referred to as "annual leave"), the employee must have unused vacation leave credits in excess of two times the number of days which they earn

annually.

2. An employee may not make direct grants which will reduce their own available sick time below 40 hours, or their own available vacation time below two times the number of days which they earn annually.

3. Subject to the requirements above, an employee may make a direct grant of sick or vacation leave to an eligible employee in any County department.

B. Eligibility to Receive Direct Grants

1. No employee is eligible to receive direct grants of leave without the approval of their Department Head.

2. If an employee is incapacitated and unable to apply for leave of absence or direct grants, another person may do so on behalf of the employee.

3. An employee applying for direct grants may sign a release authorizing Human Resources to provide an explanation for why leave is needed to other employees. Specific information regarding the need for leave will not be given to other employees without the applicant's consent.

HOLIDAYS:

A. Eligibility and Holiday Benefits Calculations

Holiday leave is a paid absence from work provided to eligible permanent, seasonal, and temporary employees on legal state holidays. To be eligible, employees must be in a paid status the last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday. If the observed holiday falls on a regularly scheduled day off, the employee is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday, whichever allows a day off in addition to the employee's regularly scheduled days off.

For the purposes of this Handbook, the term "holiday" does not include Sundays.

An employee shall not be eligible to receive holiday benefits if:

- ☐ the employee is a new employee to County government and begins work on the day after a holiday is observed; or

- ☐ the employee is reinstated or reemployed following a reduction in force, returns to work following a leave of absence without pay of more than one pay period or a disciplinary suspension, or is called back to seasonal or temporary employment on the day after a holiday is observed.

B. The County Observes the Following Holidays:

- ☐ New Year's Day, January 1
- ☐ Martin Luther King Day, the third Monday in January
- ☐ Lincoln's and Washington's Birthday, the third Monday in February
- ☐ Memorial Day, the last Monday in May
- ☐ Independence Day, July 4
- ☐ Labor Day, the first Monday in September
- ☐ Columbus Day, the second Monday in October
- ☐ Veteran's Day, November 11
- ☐ Thanksgiving Day, the fourth Thursday in November
- ☐ Christmas Day, December 25
- ☐ State General Election Day, on even numbered years

C. Holidays Falling on Weekends

If any holiday falls upon a Sunday, the Monday following is a holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in the next paragraph.

D. Part-time Benefits

Part-time employees receive holiday benefits on a prorated basis (MCA 2-18-603).

Holiday benefits are based on work hours (meaning any hours worked, plus any hours in any paid time off status) in the prior workweek. Holiday benefits shall not exceed eight (8) hours.

Example: Employee's prior week's total hours (excluding OT) divided by 40 times 8 = holiday benefits paid.

If the work hours in the prior workweek are not characteristic of the employee's regular schedule, the County has the discretion to approximate the employee's schedule for purposes of determining holiday benefits.

If a part-time employee usually receives the holiday off but the County requires a part-time employee to work on the day a holiday is observed, the employee shall be compensated for all hours actually worked on a holiday and holiday benefits as provided in the next paragraph.

E. Pay for Work Performed on a Holiday

A permanent, temporary, or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive of the holiday benefits described above. The employee usually receives the holiday off. However, the County reserves the right to require an employee to work on the day a holiday is observed.

A full-time employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours actually worked, in addition to pay for the eight hours of holiday benefits.

Where an observed holiday falls on an employee's scheduled day off, or where an employee works on a holiday, the employee may, with advance approval from a Supervisor, take a different day off within one week of the holiday. Whether or not the employee does so, the employee will receive pay for all hours actually worked, plus the holiday benefit described above.

If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive pay at the regular rate for every hour worked on the holiday. An employee shall receive overtime or compensatory time for actual hours worked that exceed 40 in a workweek, in compliance with the overtime policy. An employee who is exempt from the FLSA and who receives approval to work on the holiday may receive paid time off equivalent to the number of hours worked (banked hours).

MILITARY LEAVE:

A. Procedures under the Montana Military Service Employment Rights Act

The Montana Military Service Employment Rights Act (MMSERA) provides paid military leave for eligible County employees. This benefit supports employees in fulfilling military obligations and compensates

employees for loss of income due to time spent performing military service.

Employees who are members of the Montana Army, Air National Guard or Armed Forces Reserves (active or inactive duty), and are permanent, or seasonal employees or student interns become eligible for paid military leave after *six continuous months* of employment. Time spent in a leave of absence without pay status does not count toward the six-month requirement.

Eligible full-time employees earn 120 hours of paid military leave each calendar year (prorated for part-time employees). Employees cannot earn more than 120 hours of paid military leave per calendar year, and cannot accrue more than 240 hours (prorated for part-time employees). Once employees reach the maximum, they do not accrue additional paid military leave until their balance drops below 240 hours (or the prorated limit for part-time employees). Employees do not accrue paid military leave during leaves of absence without pay unless the leave is for military duty. The County does not cash out unused military leave when employees terminate employment.

Employees must request military leave according to the policy or procedure established by their department. Employees must provide their Supervisor with a copy of the orders that direct them to report for duty, and should give as much advance notice as possible (i.e., as soon as they learn of the need to take military leave).

Employees may also use paid military leave intermittently with leave without pay while performing military service. Supervisors may grant paid military leave only for hours the employee normally works, and may deny paid military leave if it results in overtime. When employees are taking authorized paid military leave, they shall receive regular salary and benefits. If active duty is more than 31 days, employees need to evaluate options regarding benefits.

Employees who are eligible to be reemployed must be returned to employment with the same seniority, status, pay, health insurance, pension, and other benefits as the member would have accrued if the member had not been absent for the state military duty unless:

- the member is no longer qualified to perform the duties of the position, subject to the provisions of MCA 49-2-303 prohibiting employment discrimination because of a physical or mental disability;
- the member's position was temporary and the temporary employment period has expired;
- the member's request to return to employment was not done in a timely manner, as defined in MCA 10-1-1007(3).;

- the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected;

- the member's return to employment would cause the employer an undue hardship;

- the member did not inform the employer at the time of hire that the member was a member of the state's organized militia or the national guard of another state; or
- the member enlisted in the state's organized militia or another state's national guard during the course of employment with the employer and did not inform the employer of the enlistment.

B. Uniformed Services Employment and Reemployment Rights Act Procedures

An employee ordered to federally funded military service is entitled to all of the rights provided pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees have the right to be re-employed in their last County job, or the job they would have attained had they not been absent for military service, if they:

- leave that job to perform service in the uniformed service and they provide advance written or verbal notice of the service;

- have five years or less of cumulative service in the uniformed services while with the County;

- have not been separated from service with a disqualifying discharge or under other than honorable conditions.

JURY AND WITNESS DUTY LEAVE:

Jury and witness duty leave provide paid time off for permanent, seasonal, and temporary County employees who receive a legal summons or subpoena to serve on a jury or as a witness. Jury and witness duty leave is not available to employees who are attending Court, a deposition, or another legal proceeding voluntarily. In some cases, employees are required to appear in Court or subpoenaed for depositions as part of their work duties. In those cases, the time involved is simply considered working hours and does not require a leave request.

A. Notification and Leave Request

An employee shall request leave using the request procedures established by their department. An employee must inform their Supervisor of the date(s) and anticipated length of the absence as soon as

possible after receiving a summons or subpoena, and provide a copy of the summons or subpoena with the leave request form.

B. Pay Options

If an employee is subpoenaed or summoned, they have two choices regarding pay and expenses:

- Use accrued annual leave or compensatory time for the time away from work, and keep the fees and allowances paid for service as a juror or witness; or

- Receive regular pay and benefits while on approved jury duty or witness leave, and remit the fees and allowances received for service as a juror or witness to the Finance office within three days of receipt.

Employees must notify their Supervisor of their choice upon requesting leave. A part-time employee shall receive prorated compensation for those hours the employee is scheduled to work.

C. Expense Claims and Return to Work

Employees who serve as a juror may submit a claim for expenses. If they serve as a witness, they may submit a claim for expenses only if the appearance was for work-related reasons. Employees who receive payment from the court or a third party for the same expenses must return such dual payments to the County. If they use their personal vehicles and receive a mileage allowance from the court, they may keep the funds. If a County vehicle is used, they must return any mileage allowance to the County.

Employees who receive a subpoena to testify in connection with their official duties in a civil action where the County is not a party may be required by management to reimburse such funds for the compensation and benefits paid from the person or entity requesting issuance of the subpoena.

Employees who take leave to serve on a jury or as a witness must return to work on the next regularly scheduled shift upon release from duty. If the shift is in progress at the time of release, they must either return to work immediately or arrange with their supervisor to return at a later specified time.

D. Employee Legal Counsel Assistance

It is the County's intent to assist any employee who is served with a deposition notice, or subpoenaed to testify at a trial or hearing, relating to actions taken within the course and scope of employment.

An employee should have access to legal counsel to discuss any pending deposition for matters relating to

work. However, the attorney would be acting as a representative of the County and not as a personal attorney for the employee.

The employee should contact the County Attorney's Office for guidance and assistance.

Employees who are testifying or who are otherwise involved in work-related legal matters are permitted to hire personal attorneys, but will not be reimbursed by the County for doing so. If an employee believes that the County should cover some or all of the costs of a personal attorney due to unique circumstances, the employee must advise the Board of Commissioners of the reason for a personal attorney and the amount of expected expenses in advance. The Board of Commissioners retains discretion to approve or deny any such requests.

MATERNITY LEAVE AND PARENTAL LEAVE:

The maternity and parental leave policy provides for unpaid leave for eligible employees associated with the birth or placement of a child. It is unlawful for the County to terminate a woman's employment because of her pregnancy. Even if she is ineligible for sick leave or FMLA leave, a woman is still eligible for maternity leave; and she may also be eligible for parental leave.

Maternity or parental leave must be requested in accordance with the procedures established by the employee's department. Employees should give at least 30 days advance oral or written notice of the need for leave, or as soon as practical when advance notice is not possible.

A. Maternity Leave

Maternity leave is an unpaid leave of absence available to female employees for temporary disability because of pregnancy and delivery. Montana law requires female employees receive a reasonable leave of absence for maternity leave. "Reasonable leave" is determined case-by-case and is based upon the employee's ability to perform her job. The Montana Human Rights Bureau provides guidance regarding what is reasonable leave, stating that an employee is entitled to a reasonable leave of absence for the temporary disabilities associated with childbirth, delivery, and related medical conditions. The employer may not place restrictions on the leave which would not apply to leaves of absence for any other valid medical reason.

In the case of normal pregnancy and delivery, the state assumes a minimum of six calendar weeks after the birth of a child as a reasonable period for recovery. Leave may be longer if the employee is unable to perform her job prior to delivery or if additional leave after delivery related to the pregnancy is needed and reasonable. Employees are not required to obtain medical certification of temporary disability for the

initial negotiated leave following the birth of a child. Employees may voluntarily return to work before their agreed-to maternity leave expires, if they desire and inform the County.

B. Parental Leave

Parental leave applies to both male and female employees. If the employee has FMLA leave available, that leave shall be used instead of parental leave. However, if no FMLA leave is available, parental leave is an unpaid leave of absence for permanent, seasonal, and temporary employees not to exceed 15 working days immediately following the birth or placement of a child (e.g., if the employee is adopting a child or is a birth father). Department Heads may approve less than 15 working days if they determine the length of leave requested is unreasonable. The Department Head must provide a written response explaining why the request is unreasonable, and include the length of leave considered reasonable and approved. Employees may be required to provide documentation for the use of parental leave.

Both maternity and parental leaves are unpaid. However, employees may request to use accrued sick leave, vacation leave, or compensatory time concurrently with maternity or parental leave, according to County policy applicable to the type of leave requested.

For eligible employees, paid sick leave, vacation leave, and FMLA shall run concurrent with any maternity or parental leave.

C. Worksite Breastfeeding

The County shall provide nursing mothers with a suitable space, other than a bathroom, that is clean, private, and reasonably close to the work area, for at least one year after the nursing child's birth. The space will include lighting, seating, and electrical outlets for breast pumps. The County may provide an employee the ability to store breast milk as requested.

Employees who require space or other accommodations for nursing or expressing milk should notify their Supervisor. The Supervisor shall provide nursing mothers with time to breastfeed or express milk as needed. Employees who need time for nursing or expressing milk that substantially exceeds normal break and lunch periods may use annual leave, compensatory time, sick time, and/or leave without pay.

LEAVE OF ABSENCE WITHOUT PAY:

A leave of absence without pay is a period of unpaid absence from employment provided by the County

that does not result in a break in service. Typical requests for leave without pay are in situations where an employee has exhausted all applicable leave balances and needs to be absent from work for personal reasons. New employees who are not yet eligible to use sick and/or vacation time may use leaves of absence without pay for vacations and/or as unpaid sick leave with approval from their Supervisor. Leaves of absence without pay are contingent on the approval of the employee's Supervisor on a case-by-case basis.

A. Requests, Qualifications, and Procedures

Requests for leave of absence without pay shall be in writing and specifically state the reasons for the request, the date the employee wishes to begin the leave, and the return-to-work date. The request shall be submitted by the employee to the affected Department Head or Elected Official. The Department Head or Elected Official shall make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any departmental procedures and applicable state and federal laws.

A Department Head or Elected Official may grant a permanent, temporary, or seasonal full-time or part-time employee a leave of absence without pay not to exceed 90 calendar days. Longer periods of unpaid leave must be approved in advance by the Chief Administrative Officer or the Board of Commissioners. No sick leave, holiday, annual vacation benefits, or any other fringe benefits shall accrue while an employee is on leave of absence without pay. An employee may continue to participate in the County insurance plan, but the employee must pay 100% of the premiums in a manner prescribed by the Plan Administrator. Employees are required to use all appropriate accrued leave or compensatory time before a leave of absence without pay, except in the cases of new employees who are not yet eligible to use accrued leave.

Department Heads shall promptly notify Human Resources of any approved leaves of absence without pay. Human Resources and the Chief Administrative Officer may not deny a request for leave without pay that has been approved by a Department Head, except where the period of leave exceeds 90 calendar days.

B. Returning to Work

Upon expiration of an approved leave of absence of 15 working days or longer, the employee is not guaranteed to be placed in the same position but shall be placed in a position at the needs of the County. If an employee fails to comply with the return-to-work requirement he/she may lose reinstatement rights, and be subject to termination.

C. Other Leaves That Take Precedence Over Leave of Absence Without Pay

Employees taking a leave of absence without pay shall have FMLA or military leaves taken concurrently. Those policies take precedence over this policy to the extent there are differences.

If an employee has any paid leave which they are eligible to use, then the Department Head may require that the employee exhaust those paid leaves prior to approving any period of leave without pay under this policy.

FAMILY AND MEDICAL LEAVE ACT (FMLA):

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons, and up to 26 weeks to care for a covered service member with a serious injury or illness sustained in the line of duty.

A. Eligibility

To be eligible for FMLA leave, the employee must have worked for the County for a total of 12 months minimum, and for at least 1,250 hours during the 12-month period immediately preceding the leave.

B. Duration

Eligible employees may take up to 12 weeks of leave within a 12-month period. The 12 weeks of leave may be taken in a single block of time or, if medically necessary, on an intermittent basis or a reduced schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to approval.

C. Qualifying Reasons for FMLA Leave

Under the FMLA, the County must grant 12 weeks of unpaid leave, or paid contingent upon available leave balances and employee authorization to use that leave, for any of the following reasons:

- The birth of a son or daughter and to care for the newborn child.

- Placement with the employee of a son or daughter for adoption or foster care.

- To care for the employee's spouse, son, daughter, or parent with a serious health condition.

- A serious health condition that renders the employee unable to perform the functions of his/her job.

- Any qualifying exigency (e.g., short-notice deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other events which arise out of the covered member's active duty or call to active duty status) arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

- To care for a covered service member with a serious injury or illness sustained in the line of duty on active duty if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Eligible employees are entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

D. Serious Health Condition Qualifications

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or treatment by a health care provider. Serious health conditions include:

- An illness that requires the person to be hospitalized.

- An illness that keeps a person away from his/her normal activities for three consecutive days if treated at least twice by a health care professional during that period.

- An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment.

- Any period of incapacity due to pregnancy or childbirth.

- A permanent or long-term problem supervised by a physician where there is no effective treatment, such as Alzheimer's Disease, severe stroke, terminal stages of disease, etc.

- Any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness).

- Treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy), or kidney disease (dialysis).

E. Notice and Certification

Employees are required to provide advance notice of leave requests whenever possible and may be required to provide medical certification. Taking of leave may be denied if requirements are not met. Thirty days' notice is required when the need for leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made following the County's normal requirements for requesting leave and providing enough information so the County can determine whether the FMLA may apply to the leave request. The County must promptly (within five business days, absent extenuating circumstances) notify the employee of the employer's response to the request for FMLA leave. If the request is approved, the County should formally designate the leave as FMLA. Sample designation and medical certificate forms are available on the FMLA website: http://www.dol.gov/compliance/laws/comp-flsa.htm

The County may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work. The County may contact the employee's health care provider for clarification and authentication of the medical certification (whether initial certification or recertification) after the employee has been given the opportunity to cure any deficiencies in the certification. Some examples of deficiencies might be when the certification does not provide necessary information such as the duration of the leave, the nature of the restrictions, or the medical necessity of the leave or restrictions. In these instances, correspondence with the employee and health care provider shall be coordinated through County Human Resources personnel or other appropriate designee, and the contact on behalf of the County will be made by a health care provider, a Human Resources professional or a department head (when he/she is not a direct supervisor of the employee), and shall not be made by the direct supervisor.

Human Resources personnel who directly receive a request for FMLA leave shall promptly notify the employee's Department Head of the request.

F. Supervisor's Responsibilities

If a Supervisor becomes aware of an employee taking leave for a potentially qualifying event (e.g., those described in the **Qualifying Reasons** paragraph above), or if the employee is absent from work on sick or unpaid leave for three days or more for reasons including health conditions, care of a family member, or in conjunction with a qualified military status, he/she will immediately notify Human Resources personnel, who will complete the FMLA Notice & Designation Form.

Upon receiving notice that an employee is taking leave for a potentially qualifying event, or notice that an employee has requested FMLA leave, Human Resources shall coordinate with the employee to determine whether they are eligible and whether they wish to be placed of FMLA. The County will not place an employee on FMLA leave unless the employee clearly indicates to Human Resources that they wish to use FMLA. If such an indication or the County's response is delayed, an employee may be placed on FMLA leave retroactively, provided that the employee consents.

G. Use of Paid Leave

Employees must use accrued sick leave concurrently with leave through the Family and Medical Leave Act, if the leave meets the conditions of the County Sick Leave Policy. Employees must also use accrued annual vacation leave and exempt compensatory time concurrently with Family and Medical Leave Act leave. The hours used shall be counted against the employee's Family and Medical Leave Act entitlement. Employees may also use non-exempt compensatory time for Family and Medical Leave Act leave. These hours will not be counted against the Family and Medical Leave Act entitlements.

H. Reinstatement

An employee returning to work following a FMLA leave shall be returned to the same or equivalent position with equivalent pay as when the leave began. The use of FMLA leave shall not result in the loss of any employment benefit accrued prior to the start of an employee's leave.

LEAVE FOR VOLUNTEER EMERGENCY SERVICES:

County Employees who are members of the Madison County Volunteer emergency service organizations such as Fire Departments, Ambulance, Quick Response Units or Search and Rescue units, may be released from work with pay for up to 20 hours per fiscal year to respond to calls received during scheduled working hours. A release is subject to the following conditions:

1. The absence will not result in a life or health threatening situation for residents, members of the public or other employees.
2. The absence will not substantially impair the Department's ability to provide public services.
3. The absence is approved by the employee's Department Head. Approval will normally be granted unless it would result in a violation of this policy.
4. If the employee is called during non-working hours, the employee must contact their Supervisor for permission when it becomes clear that the absence might extend into scheduled working hours.

If an employee receives pay from another organization, the employee will not be compensated for the same time provided that if the employee receives an amount less than their County pay rate, the County will pay the difference in pay for up to 20 hours per year.

EMPLOYEE PERSONNEL RECORDS

The Board of Commissioners is responsible for establishing and maintaining an official records for each County employee. Unless a Department has been authorized to maintain personnel records locally, all personnel files shall be maintained in the Finance Office. All employee personnel records are confidential and access is restricted, as further described below. An employee's title, dates and duration of employment and salary is, however, considered public information and may be released to any person upon request.

Madison County retains personnel records in four types of files:

1. A "Recruitment File," containing applications, résumés, interview scores and notes, and similar information is created for each attempt to recruit for an open position.

2. A "Personnel File" is maintained for each employee containing timecards, basic information regarding salary, position, job description, and dates of employment, performance reviews, records of training, records of any written discipline or other corrective action, and similar information. Personnel files should not contain sensitive personal identifying information such as a social security number or date of birth.

3. An "Investigation File" is created for any claim of Harassment or Discrimination, or for any other employment grievance which requires investigation.

4. A "Medical File" is created containing any medical information related to the employee which is arguably protected by HIPPA or similar privacy laws.

Department Heads are responsible for the forwarding of documents for inclusion in the above files of those employees assigned to their department. No personnel records should exist in a Department unless the original is included in the official personnel record.

Personnel files are the property of Madison County. No materials in a personnel file may be removed from the Finance office. The following procedures apply to the release and accessibility of information contained in employee personnel files:

1. Personnel must treat all employee information as confidential except for requests authorized by the employee or requests to learn or to verify information relating to job title, department, salary, and dates of employment.

2. Medical Files will not be disclosed to anyone other than the employee or their authorized representative and human resources personnel, except with a court order or where otherwise required by law. Recruitment Files may be reviewed by any of the involved applicants upon request. Investigation Files may be reviewed by the employee who filed the grievance, but may only be inspected by the employee who is the subject of the grievance if discipline is imposed. Otherwise, access to information contained in the personnel file will be limited to:

    a. Madison County Commissioners,
    b. The Chief Administrative Officer, Human Resources personnel, and/or consultants,
    c. The employee's Department Head and others in a direct line of authority over the Department Head,
    d. The individual employee and representatives authorized by the employee to have access,
    e. State or County auditors,
    f. Other Madison County employees whose jobs require access to information contained in the file such as payroll clerks or benefits administrators.

3. Files pertaining to employees who are bona fide candidates of interdepartmental transfer or termination may be reviewed by the prospective gaining Department Head.

4. Madison County reserves the right to withhold those portions of personnel files that may affect the confidentiality of third parties such as reference check materials provided by previous employers, investigatory reports, etc. unless disclosure is required by law.

5. Employees should be aware that, with the exception of Medical Files, any of the above records may be subject to Freedom of Information Act requests or may be available to the public under State public

records laws. Freedom of Information Act requests and other similar requests, whether made by employees or members of the public, should be directed to the County Attorney's office. County Attorney's office personnel may inspect the requested files for the purposes of responding to such requests.

SCHEDULE AND WORK WEEK

The Madison County workweek for non-emergency service personnel begins at 12:01 am Sunday and ends at midnight on the following Saturday. Emergency service personnel may be placed on an alternate work week as provided for by 29 CFR 553.

All employees classified as NON-EXEMPT will receive overtime pay for all hours worked over 40 in this 168-hour workweek. All overtime must be pre-approved by a Department Head. Working unauthorized overtime may result in disciplinary action. Any hours for which an employee is paid but did not actually work, such as sick time, holidays, or annual leave, are not counted when determining if overtime pay is due.

Except as otherwise approved by the Board of Commissioners or required by the special operating requirements of a position, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour lunch period. Lunch periods will normally be scheduled near the middle of the employee's working hours for the day. With advance approval from their Supervisor, an employee may take a shorter lunch period and make up the time by leaving work early or by taking an additional break. Supervisors may not, however, require any employee to do so.

Personnel engaged in shift work may be assigned other working hours. In the case of emergency or whenever it is deemed necessary, employees may be required to work in excess of eight hours per day or on days they are not regularly scheduled to work. Hours for employees may vary from the normal office hours established above due to the nature of the work.

With the approval of the affected employees, the Board of Commissioners may establish a 40 hour week consisting of 4 consecutive 10-hour days for specific work units. Where an employee is authorized to work an alternate work schedule, their use of paid time off shall be based on the authorization by the Board of Commissioners. Departments which are open to the general public without appointment must be staffed from 8:00 a.m. to 5:00 p.m. from Monday through Friday, except for on holidays or where specifically authorized by the Board of Commissioners or the department's Elected Official. Any authorization to work an alternate schedule may be discontinued by the Board of Commissioners upon 30 days' notice to the affected employees.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

Employees may be allowed a rest period of fifteen (15) minutes, on Madison County's time, for each four (4) hour work period. The rest periods will be scheduled as near as possible to the midpoint of each four (4) hour work period as is reasonably possible.

Daily attendance records will be maintained by each department; including date and time absent and reason for absence. Departments may, but are not required to, keep their own copies of time sheets which have been turned in to the Finance Department.

When absent for more than one day, an employee must keep their Department Head informed on a daily basis (unless they have been otherwise instructed) as to when they may be expected to return to work. Failure to report for work or call to notify of an absence for more than five (5) working days is considered as an abandonment or resignation from employment. When possible, employees who will be late for the start of their shift by more than 15 minutes should call in to inform their Supervisor or Department Head. Unauthorized tardiness or other attendance irregularities may be cause for disciplinary action.

Nothing in this policy limits the Board of Commissioners, the Chief Administrative Officer, or Department Heads from establishing or changing work schedules as necessary for the successful operation of County programs.

A copy of the time sheet currently in use by Madison County is available from the Finance Department. Non-exempt employees must report actual hours worked accurately. All employees, except for Elected Officials, also must report time off on this time sheet to allow for annual leave and sick leave tracking. Employees who are using FMLA leave shall report any hours taken on their timesheet.

Payroll records shall be maintained by Madison County for a minimum of seven years.

GUIDELINES FOR APPROPRIATE CONDUCT

Madison County employees have a responsibility to accept and adhere to acceptable business practices and standards of conduct. This not only involves sincere respect for the rights and feelings of others but also demands that in public life employees refrain from any behavior that might be harmful to self, co-workers, and/or Madison County. Employee conduct reflects on the County. Consequently, employees are encouraged to observe the highest standards of professionalism at all times.

County employees are expected to accept certain responsibilities, protect the public from harm, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times.

PROHIBITED CONDUCT:

Listed below are examples of the types of performance, behavior and conduct which are considered inappropriate and are therefore prohibited. This list should not be viewed as being all-inclusive, as some positions or departments may have other requirements.

1. Falsifying employment or other County records or making false statements.

2. Violating any policy which is in this Handbook, which has otherwise been adopted by the Board of Commissioners, or which has been adopted by the Department Head supervising the employee's department.

3. Any conduct defined as Harassment or Discrimination in this Handbook

4. Establishing a pattern of absenteeism or tardiness, of abusing lunch or break periods, or of leaving work early without approval from a Supervisor.

5. Use of County equipment, vehicles, supplies, time, or facilities for private purposes, or providing any individual with unauthorized access to County property or resources.

6. Theft of property from County employees, the County, or the public, including removal from the premises, without proper authorization, of food, company property or property of other employees, customers, and the general public.

7. Engaging in insubordination, which is the refusal to follow a direct order by the employee's Supervisor.

8. Failing to maintain the security of confidential information.

9. Failing to perform duties in a satisfactory manner.

10. Using abrasive, impolite, or offensive conduct, gestures or language towards the public, County officials, or other employees.

11. Failing to possess or maintain any driver's license, commercial driver's license or other license required to perform the duties and responsibilities of the employee's position, or violating any drug and alcohol rules and regulations established by the County, State, or Federal government for employees required to have Commercial Driver's Licenses.

12. Failing to appear or dress in a manner acceptable for the position, including the use of personal protective equipment if needed.

13. Failure to respond or conduct County business appropriately while performing on-call duties.

14. Gambling on County time.

15. Commission of a felony at any time, or of any crime while on County time or while using County resources.

16. Failure to adhere to any federal, state or local ordinance applicable to the duties and responsibilities of the employee's position or profession.

17. Any conduct which may endanger the safety of others, which is disruptive of the County's operation, or impairs the ability of others to accomplish their work.

18. Any other act, failure to act, failure to adhere to any policy, or negligence which is injurious to Madison County, its employees, or the general public.

GUIDELINES FOR APPROPRIATE BEHAVIOR:

In accepting employment with the County, the employee assumes certain duties, responsibilities, and relationships which are to be observed during his/her tenure of employment. Upon hiring, all employees shall agree and accept the following responsibilities and work rules as a condition of continued employment. The employee agrees to:

1. Work conscientiously toward achieving the objectives of the County in compliance with its policies, rules, procedures, and performance standards.

2. Perform assigned duties in a satisfactory manner and within specified guidelines.

3. Work with other staff members in a sincere, tactful, and positive manner.

4. Be punctual, utilize working hours in an effective and productive way and notify his/her Supervisor, in accordance with applicable policy, of any leave time or other necessary absences from work.

5. Immediately report in writing any workplace accident which involves a risk of injury to any person, whether or not there is immediate evidence of personal injury.

6. Immediately report any unsafe condition observed at the work site.

7. Be mindful that the County and its staff have an obligation for the welfare and wellbeing of citizens served through its programs.

8. Respect co-workers and maintain appropriate conduct during work hours.

9. Cooperate with any investigations and the investigator when suspected or alleged violations of any work rules, procedures, or policies may require investigation by or on behalf of management.

10. Maintain awareness of all County policies and State and Federal laws that directly affect the employee's job duties, and ask a Supervisor when one is unsure about how a law or policy applies.

Employees are advised that in no circumstances are these rules and policies to be interpreted as limiting the employee's ability to discuss workplace policies and procedures.

DISCIPLINARY ACTION:

Violations of the above standards or other County, state, or federal rules, or conduct which is injurious to the County's interests or those of its employees, may result in disciplinary action which can include written or oral warnings, suspension, demotion, termination*, or other appropriate discipline. In all cases, an employee subject to disciplinary action shall be informed by the Department Head and/or Human Resources personnel of the alleged violations and employer's evidence, and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before discipline, if appropriate, is imposed.

*If the disciplinary decision is termination, the Department Head and/or Human Resources personnel shall, at discharge or within seven days of the date of discharge, notify the discharged employee of the existence of the County's Employee Grievance policy and procedures, and shall provide the discharged employee with a copy of the policy on Employee Grievance.

DRUGS, ALCOHOL, AND TOBACCO:

It is the policy of the County to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The illegal use of controlled substances is inconsistent with the behavior expected of our employees, subjects all employees, citizens, and visitors to unacceptable safety risks and undermines the County's ability to operate effectively and efficiently.

The purpose of this policy is to ensure worker fitness for duty; to protect our employees and the public from the risks posed by the use of illegal drugs, controlled substances, or alcohol; and to maintain a safe working atmosphere conducive to effect operations. As stated in the **Prohibited Conduct Policy**, employees are subject to disciplinary action, which may include immediate discharge for consumption, use, or being under the influence of alcohol or controlled substances while on County premises.

County employees must sign the **Drug and Alcohol Free Workplace Acknowledgement Form** (located in **Appendix C** of this Handbook) and abide by this policy as a condition of employment.

A. Prohibitions

All County employees are absolutely prohibited from:

1. Unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. "Controlled substances" are defined in schedules I through V of Section 812, Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants, and hallucinogens. The County does not accommodate the use of medical marijuana in the workplace.

2. Reporting for duty, remaining on duty, or operating County vehicles or personal vehicles on County business while under the influence or impaired by alcohol or a controlled substance.

3. Drinking alcohol at any time during work hours.

4. The illegal or unauthorized use of prescription drugs or other controlled substances.

B. Disciplinary Action

Violations may result in disciplinary action up to and including termination. Violating the drug and alcohol prohibitions in the policy for **Use of Vehicles and Equipment** is also subject to disciplinary action up to and including termination, whether the employee is operating County vehicles or equipment on County-owned property or anywhere else. Any use of illegal drugs or driving while intoxicated shall also be reported to the

proper authorities for criminal prosecution.

C. Reporting Convictions of Drug Statute Violations

Any employee formally charged with violating a criminal drug statute, or an impaired driving offense, in the workplace or while conducting official County business must inform their Supervisor within five days after receiving notice of the charge. The employee shall also notify the County of how the charge was resolved, whether by a conviction or otherwise, within five days of receiving notice. The Supervisor must inform the employee's Department Head of any such communication immediately.

D. Exceptions – Prescription Drugs

The only exceptions to this policy are possession or use of a controlled substance as prescribed by a licensed physician, if the employee has given his supervisor or department head prior notice of such use and/or possession. Employees using medication prescribed by a licensed physician may be required to provide management with proof that such medication was prescribed. Employees taking prescribed or over-the-counter medications will be responsible for talking to a doctor and/or pharmacist about whether the medications may interfere with their ability to perform their job safely. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request a change of duty, notify supervisor, etc.) to avoid unsafe work practices. The County has the sole discretion as to whether or not it will be safe for those employees to remain on duty. As stated above, it is a violation of our **Alcohol and Drug Free Workplace** policy to intentionally misuse prescription medications. Intentional misuse of prescription medications may also lead to criminal charges. Appropriate disciplinary action shall be taken if job performance deteriorates and/or accidents occur. This policy does not, however, require employees to report the use of prescription medication which is taken during non-working hours and which does not impact their duties.

E. Searches

The County reserves the right, at all times, while employees are entering, departing, or on the premises, properties, and work areas; when circumstances warrant; or when reasonable cause exists, to have properly authorized personnel conduct unannounced reasonable searches and inspections of County facilities.

Searches may be initiated without prior notice and conducted at reasonable times and locations as deemed appropriate by the County. At no time will employees or others be touched without their consent.

F. Co-Worker, Supervisor Obligations

Any employee or supervisor who has observed or has personal knowledge that another employee is using or possessing illegal drugs or alcohol in violation of this policy may choose to make a good faith report to a Supervisor or Department Head. The employee shall refrain from discussing the matter with anyone except appropriate management personnel.

G. Possession of Alcohol on County Premises

Employees may not possess or use alcohol in any County facility with the exception of an authorized function, under the control of the holder of a valid liquor license.

H. Drug and Alcohol Testing

To ensure a worker's fitness for duty and to maintain a safe working atmosphere, the County may adopt a program for testing for controlled substances and alcohol. The following statement of policy and procedure is intended to inform all covered employees of their rights and obligations under the County's program, as well as to alert them to the possible consequences of violating these policies. Covered employees in safety-sensitive positions must sign the **Drug Testing Acknowledgement Form (Appendix F** herein).

This program may apply to individuals engaged in the performance, supervision, or management of work in a hazardous work environment, security positions, positions affecting public safety or public health, positions in which driving is part of the job, or a fiduciary position for the County. All employees needing a Commercial Driver's License (CDL) to perform the essential functions of their position will be subject to testing pursuant to federal law.

Some departments may have more stringent policies and requirements regarding drug testing. Please see the Department Head or County Human Resources personnel for more information in this regard.

I. Smoking Prohibitions

In compliance with the Montana Clean Indoor Air Act (MCIAA), which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles and in ALL County facilities. The County recognizes the need of many of its employees to work in an environment free of tobacco smoke. Smoking is not permitted inside of any County building, or within twenty feet of a doorway, window or air intake. For the purposes of this Handbook, "smoking" includes traditional smoking as well as vaping, juuling, the use of e-cigarettes, or any similar activity, as well as the use of chewing tobacco.

J. Designated Smoking Areas

The County also respects the rights of employees who choose to smoke to make personal decisions without interference, as long as these decisions do not interfere with the rights of other workers or local or state laws. Employees may smoke in designated outdoor smoking areas.

PERSONAL APPEARANCE:

County employees should be dressed in a manner suitable for the public service environment and to reflect favorably on the County's image. County employees should wear clothing appropriate to ensure their safety in the workplace. Department Heads may develop specific rules appropriate to their workplace. Any such policies should be coordinated with the Chief Administrative Officer.

PUBLIC SPEECH:

Employees who are not Elected Officials shall not express anything in any public forum as an official County position without specific permission to do so. If an employee wishes to speak in their official capacity on a matter related to County business, their statements must be approved in advance. Employees should be aware that, as public employees, any public statements that they make may be misinterpreted as an official County position, and should make reasonable efforts to clarify when they are speaking only in a personal capacity.

This policy does not prohibit employees from personally speaking to concerned individuals regarding matters within the scope of the employee's duties, including discussing their relevant intentions and/or their Department's general practices.

This policy does not prevent or prohibit an employee from expressing an opinion or idea involving concerted activity regarding their wages or other terms and conditions of employment.

Madison County is a government employer subject to the First Amendment, and therefore does not discipline employees for expressing any political, philosophical, or religious view, or for engaging in any other constitutionally protected speech, provided that the employee is speaking in their personal capacity during non-working hours.

PERSONAL TELEPHONE CALLS:

County phones are to be used for County business and may be used for personal business on a limited basis only. The use of telecommunications equipment for essential personal business (e.g., calls to children, teachers, doctors, day care centers, and family members to inform them of unexpected schedule changes and

other essential business) must be kept to a minimum, and not interfere with conducting County business. It is the employee's responsibility to ensure that no cost to the County results from personal phone calls. Employees may be required to reimburse the County for expenses that result from their personal phone calls. When possible, employees should use their personal cellular phones to make or receive any necessary personal phone calls.

PERSONAL COMMUNICATIONS DEVICES:

The use of personal communication devices such as cell phones and tablets during working hours should be limited and may not interfere with the employee's work, the work of any other employee, or the general public's access to County services.

Using a personal communications device to access sexually explicit material, material that constitutes or encourages Harassment or Discrimination, or otherwise offensive material while on duty may be grounds for discipline.

Personal communications devices may not be used to store, access, or transmit information that is confidential, such as information protected by the Health Insurance Portability and Accountability Act or Confidential Criminal Justice Information. Employees who intend to regularly use a personal communications device for work purposes should discuss the matter with their Department Head. Personal contact information for an employee may not be given to members of the public without that employee's advance permission.

COMPUTERS, INTERNET, AND EMAIL:

All County business equipment, hardware, software, network equipment, communications systems, Internet, Email, and data are the property of the County, and employees can use these only for authorized purposes such as conducting County business. Please see the department head or coordinate with the Information Technology (IT) department for instructions (and when troubleshooting is necessary) about the operation of computers, telecommunication systems, or other electronic devices used on the job. Employees must operate all IT equipment according to manufacturers' user instructions and County policy. All employees must sign the **Computers, Internet, and Email Policy Acknowledgement Form** found in **Appendix D** of this Handbook.

In addition to these policies, the IT Department may adopt and amend other policies which are necessary for network security and/or resource management purposes. The IT Department is responsible to inform employees of any such policies. Intentionally disregarding any written IT Department policy may be grounds for discipline.

A. Computers

Employees shall not install, modify, or remove any software operating on County computers, except with permission from the IT Department. Employees may request review of additional software applications that may enhance or improve existing systems. In order to protect the County computer systems from viruses, all discs, flash drives, downloaded material, etc., either should be reviewed and approved by the IT department, or scanned by the employee in a manner approved by IT, prior to installation.

Employees shall not attempt to access files from other employees' computers, or retrieve any communication stored on another employee's user profile or electronic mail account, other than where authorized by the other employee or the IT Department. Department Heads may request that the IT Department provide access to their employees' computers in cases where an employee is unavailable and information stored on their computer will be needed before the employee returns. All computer passwords are the property of the County and should not be shared with other individuals, including other County employees. Employees should not attempt to access or modify source codes or system files without explicit permission from the IT Department.

B. Internet and Email

The IT Department may run reports on overall Internet use for planning and managing network resources, performance, troubleshooting, and suspected or potential abuse. The IT Department may monitor or run reports on individual employees' internet and email usage if requested by the Board of Commissioners, or in cases of a potential network security emergency. Additionally, Department Heads may request that the IT Department run reports an individual employee's internet or email usage if they have a reasonable basis to believe that the employee is violating a relevant policy. The IT Department will promptly notify either the impacted employee or their Department Head of any individual monitoring which takes place.

Employees should be aware that all County emails and internet usage records may be subject to public records requests and/or may have to be disclosed to third parties for other legal reasons. All messages employees create, send, or retrieve over the County's email or other messaging systems are the property of the County, regardless of the use of a personal password. Permanently deleting messages sent over County systems may violate public records retention laws and is prohibited, except where approved in advance by the Department Head and the County Attorney's Office. This policy does not, however, prohibit archiving emails or other messages or moving emails into the "deleted items" folder.

County Internet and Email use are available for conducting County business. The use of County Internet and Email for personal reasons should be limited and may not interfere with the employee's work, the work of any other employee, or the public's access to any County services. Employees who use County email or internet for personal reasons should be aware that any such emails and internet records would, in

most cases, have to be disclosed to the public upon request.

The creation, transmission, or viewing of any data or images which are sexually explicit, or which constitute or encourage Harassment or Discrimination, may be grounds for discipline.

C. Social Media

Social media is web-based technology that allows interactive dialogue and includes, but is not limited to, blogs, collaborative projects, content communities, and social networking sites.

County Departments may manage social media pages and/or accounts with approval from the Board of Commissioners. Employees should not use County Department social media accounts without approval from that department's Department Head.

Content contributed to social media by County employees in their personal capacity may not claim to represent the County.

An employee's online conduct that adversely affects their job performance, the performance of fellow employees or otherwise adversely affects the County's legitimate business interests may result in disciplinary action up to and including termination, except where the online conduct is constitutionally protected speech made during non-working hours. Employees should be aware that threats, intimidation, harassment, bullying, publishing another's personal information without their consent, and/or encouraging specific illegal activity do not constitute constitutionally protected speech and may be grounds for discipline, even when done during non-working hours. All instances must be judged on a case-by-case basis.

Nothing in this policy should be construed as prohibiting an employee's right to engage in concerted activity or to discuss the terms and conditions of their work as permitted by the National Labor Relations Act.

USE OF COUNTY EQUIPMENT:

Madison County property or equipment may not be used for personal reasons. Employees that have been found to have used County property or equipment for personal reasons may be subject to appropriate disciplinary action up to and including termination. Only the Board of Commissioners may authorize the sale of property listed on the Madison County Fixed Assets Inventory.

No employee may destroy, alter or delete any public record (as that term is defined in 2-6-401 MCA) without the expressed permission of their Department Head. As provided by Montana law, the term "public records" includes: any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics, that:

(A) has been made or received by any local government to document the transaction of official business;
(B) is a public writing of the local government pursuant to 2-6-101(2)(a); and
(C) is designated for retention by the local government records committee established in 2-6-402; and (all other records or documents required by law to be filed with or kept by any local government in the state of Montana, except military discharge certificates filed under 7-4-2614.

The term includes electronic mail sent or received in connection with the transaction of official duties. The term does not include any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other type of document that is for reference purposes only, a preliminary draft, a telephone messaging slip, a routing slip, part of a stock of publications or of preprinted forms, or a superseded publication.

All employees who utilize County equipment in the performance of their jobs must operate such equipment in a safe and prudent manner, keep it properly maintained, and follow property and safe operating procedures.

All property, supplies, and services purchased with Madison County funds should be used only for official purposes.

Keys for County buildings, offices, and other facilities maybe issued by the County to employees at the discretion of those employees' Department Heads. Employees who are given keys are responsible to keep them in a safe location, may not lend or give keys to unauthorized persons, and may not copy keys without explicit permission from their Supervisor.

Madison County provides offices, desks, computers and other property and equipment for use while employed by the County. Madison County reserves the right to open and inspect any County owned or furnished office, desk, computer, file cabinet or other County property at any time, with or without reason, notice or consent.

County employees must sign the Equipment Form (Appendix A herein) before they are issued any County property. Any County equipment or property issued to employees including, but not limited to, laptops, cell phones, pagers, computer equipment, keys, credit cards, digital files, or physical files must be returned to the County upon request or at the time of termination. Where permitted by applicable laws, the County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The County may also take all action deemed appropriate to recover or protect its property.

Employees are also accountable for equipment located in their work area. Employees should report any missing equipment immediately to their Supervisor. Whenever equipment with a property tag is moved from one location to another or when new equipment is acquired, follow the appropriate documentation procedures.

USE OF COUNTY VEHICLES:

Employees whose jobs require them to travel using County vehicles or equipment to perform their duties for the County are expected to treat such County vehicles with care and respect. This policy also covers situations when an employee uses a personal vehicle to conduct County business (but not including commuting to and from work in a personal vehicle). The following guidelines shall be observed:

1. Authorized drivers are to use County vehicles for business purposes or other acceptable uses. Other acceptable uses include responding to medical or other emergency situations, getting food and lodging when in a travel status, or other activities approved by a Department Head. Using County vehicles or equipment for personal convenience is prohibited and will result in disciplinary action. However, this policy does not prevent employees traveling in County vehicles from conducting brief personal errands which do not substantially increase the distance traveled, such as purchasing groceries or going to the post office while on the way home from work. Employees can park a County vehicle at their home overnight if they must begin travel the next day or if they are subject to off-shift duty related to County employment.

2. County employees are expected to use County vehicles in an efficient and cost-effective manner, and to keep County vehicles in a well-functioning, carefully maintained, and clean condition to ensure longevity.

3. County employees are expected to follow all applicable traffic laws and other established safety practices while operating County vehicles. Such traffic laws include, but are not limited to, laws requiring seatbelt use, laws prohibiting driving while under the influence of alcohol and/or drugs (including lawful prescription drugs), laws prohibiting possessing open alcohol containers in vehicles (including by passengers), and laws requiring that vehicles be operated in a careful and prudent manner at all times. Any abuse of County vehicles when in an employee's possession or violations of safety practices or traffic laws may result in disciplinary action. Employees who receive traffic citations, and/or who are involved in traffic accidents while operating County vehicles, must report the incident to their Supervisor as soon as is reasonably possible. The County does not provide any legal protection or assistance to individual employees who are alleged to have violated traffic laws and/or caused accidents while driving County vehicles.

4. Some job descriptions require employees to have a valid driver's license or a Commercial Driver's License. The ability to legally operate a vehicle is an essential job duty for some positions. Employees who, as part of their job, have to operate County vehicles are required to have an acceptable driving record. A copy of the employee's current, valid driver's license must be on file with the Finance Office before they may operate a County vehicle. All new employees who will be assigned work entailing the operation of a County vehicle will be required to submit to a driving record check as a condition of employment. Such employees shall promptly notify their Supervisor of any new traffic related charges or convictions. Department Heads and/or the Chief Administrative Officer may, during employment, periodically conduct checks of employee driver's licenses through visual and formal reviews. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

5. The County's insurance does not cover any damage to the employees' personal vehicles, even if an accident occurs while using a personal vehicle for business. If employees drive their personal vehicles for County

business, they remain responsible for insuring, maintaining, and registering their vehicle. The mileage reimbursement rate adopted by this Handbook is intended to cover those costs.

6. In compliance with the Montana Clean Indoor Air Act (MCIAA) and the County's Smoke-Free Workplace Policy which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles.

7. Texting by employee drivers is prohibited at all times while the employee driver is seated in the driver's seat, except when the vehicle is in a parking space and the transmission is in park. Use of a cell phone while driving is prohibited unless calls can be made using hands-free devices.

8. Employees who regularly drive County vehicles should be familiar with, and should follow, the County Gas Card Resolution (5-2014). Authorized drivers may be individually required to reimburse the County for any taxes or other costs that result from failure to comply with the Gas Card Resolution.

9. Employees must follow established County procedures regarding the care, maintenance, and cleaning of County vehicles. Employees must immediately report any problems or issues to their Department Head to ensure that all problems are fixed promptly and vehicles safely operate at maximum efficiency for as long as possible.

USE OF SCENTED SUBSTANCES:

The ability to perform one's job may be adversely affected by scented substances, i.e., perfume, lotion, oil, and scented deodorants. Staff members are encouraged to inform their supervisor or department head if a reasonable accommodation is required regarding their reaction to a scented product. The County may request reasonable documentation to support the accommodation request. The County may instruct County employees to stop coming to work with scented substances that bother their fellow employees.

SAFETY IN THE WORKPLACE:

To assist in providing a safe and healthful work environment for employees, customers and visitors, Madison County has established a workplace safety program. The Montana Safety Culture Act requires that a safety committee be formed which includes members from management and line staff. The designated Safety Officer has the responsibility for implementing, administering, monitoring and evaluating the safety program, but the overall success will depend on the individual employee's alertness and personal commitment to safety.

Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their Supervisor, Department Head, the safety coordinator, Human Resources personnel, or the Chief Administrative Officer. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes.

The County may provide each permanent work site copies of new or updated policies dealing with such things as fire, flood, equipment safety and health issues for posting on the bulletin boards.

- Quarterly safety meetings will be held with the safety committee and the Safety Officer. Minutes of this meeting will be prepared and circulated through the office mail or distributed by electronic mail.
- New employees will receive workplace and equipment training with their orientation. Any employee whose duties require the use of Personal Protective Equipment ("PPE") is expected to use PPE when performing any such duties, without exceptions.
- Additional training will be provided with new equipment as needed.
- In the case of accidents that result in injury, regardless of how insignificant the injury may appear to be, employees should immediately notify their Department Head, Safety Officer or Finance Office. This is necessary to comply with laws and initiate insurance or workers' compensation benefits procedures.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate Supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or (where appropriate) remedy such situations may be subject to disciplinary action, up to and including termination of employment

VIOLENCE AND VIOLENT BEHAVIOR IN THE WORKPLACE:

It is the intent of this policy to address violence in the workplace. Therefore, Madison County has adopted the following policy regarding confrontations between co-workers and citizens.

Madison County has a "ZERO TOLERANCE" attitude regarding violence in our workplace. This policy prohibits but is not limited to the following types of conduct:

- injuring another person physically;
- engaging in behavior that creates a reasonable fear of injury to another person;
- engaging in behavior that subjects another individual to extreme emotional distress;
- possessing, brandishing, or using a weapon that is not required by the individual's position while on state premises or engaged in state business;
- intentionally damaging property;
- threatening to injure an individual or to damage property;
- committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
- retaliating against any employee who, in good faith, reports a violation of this policy.
  Violent acts of employees occurring outside the workplace also may be grounds for disciplinary action, up to and including termination of employment if the violent conduct committed has an adverse impact on the employee's ability to perform the assigned duties and responsibilities or that it undermines the effectiveness of the County's activities.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the Supervisor or any other member of management. The Board of Commissioners, or another person that they designate, shall promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities.

Note: Employees may be authorized by their agencies to possess weapons in the workplace if they are required as a part of employees' job duties with the County.

Employees violating this policy will be subject to disciplinary action up to and including termination, based on the situation.

WEAPONS ON COUNTY PROPERTY:

The County strives to provide a safe and healthy working environment for all employees. As part of this effort, the County has a policy limiting the possession and storage of firearms in County-owned buildings and vehicles.

A. Firearms

Employees on County business may not carry a firearm on their person or carry or store a firearm in a County-owned or County-leased building or vehicle, unless they are:

- specifically authorized by state or federal law to carry a firearm as a condition of employment;
- in actual service as a member of the National Guard; or
- engaged in firearm instruction or field work in which the employee carries a firearm for conducting official County business.

The County may grant an individual employee or job class a written exception to this policy.

B. Dangerous Weapons

Possession of other dangerous weapons, explosives, large knives, swords, etc., and/or any other weapon deemed inappropriate by the County is prohibited in all County buildings and in County vehicles except if permitted by statute or necessary to perform county business and the employee has obtained authorization from the Board of Commissioners.

GRIEVANCE PROCEDURE

PURPOSE:

It is the policy of the County to treat all employees equitably and fairly in matters affecting their employment. It is also the policy of the County to provide employees who have attained permanent status an opportunity to resolve certain complaints or problems in relation to their job without fear of reprisal. The purpose of this policy is to secure, at the lowest possible administrative level, equitable solutions to grievances that may arise.

Nothing contained herein should be construed as limiting the right of any employee or Supervisor to discuss any matter informally. Every effort should be made to settle a grievance informally before a formal grievance is filed. For complaints alleging Harassment or Discrimination, employees should use the Reporting Procedure outlined in Preventing Harassment and Discrimination herein.

An employee must begin Step 1 of the formal grievance process described below within ten (10) working days of his/her knowledge of the situation giving rise to the complaint. Grievances from terminated employees will begin at step two of the procedure below.

All time frames established in this procedure may be extended upon written mutual agreement of the parties. The Board of Commissioners may extend the timeframe in Step Two below by giving notice to the employee, if there is a good reason that the grievance cannot be resolved within the timeframe listed (for example, if one of the involved parties is on leave or otherwise unavailable). The term "working day" as used in this policy refers to weekdays, Monday through Friday, which are not observed as holidays by the County, even if the employee in question works a different schedule.

Failure of the grievant to file a grievance in writing, or to notify the County in writing of their desire to move to the next step of the process, within the allotted time frame may result in dismissal of the grievance.

ACCEPTABLE REASONS FOR FILING GRIEVANCES:

An employee may file a grievance based on the application or interpretation of laws, written rules, and personnel policies and procedures which adversely affects the employee, and which were not, or cannot reasonably be, resolved informally.

PREPARING AND PURSUING GRIEVANCES DURING WORKING HOURS:

An employee may not use paid working time to prepare and/or pursue a grievance. A grievant may request to use personal leave or leave of absence without pay to prepare a grievance, or may prepare the grievance during non-working hours. Except in the case of a termination grievance, time spent by the grievant attending a hearing or being interviewed by an investigative officer is considered paid working time, should take place during regular work hours, and shall not exceed eight hours per day.

At the discretion of the County, an employee other than the grievant may be allowed to use work time to participate in an investigation or hearing. This time would be considered paid working time if the employee's participation is at the request of the County. If the County has not requested the employee's participation, the employee will need to request to use personal leave or leave of absence without pay to attend any hearing which occurs during their working hours.

All leave requests related to grievances must be consistent with County policy regulating leave.

FORMAL PROCEDURE:

STEP ONE

Grievances must be made in writing to the Elected Official or Department Head managing the employee within 10 working days of knowledge of the alleged incident. Grievances must describe the complaint including a description of how the employee believes an established policy, procedure, law or rule was violated, and indicate what action(s) are requested to resolve the complaint.

The Department Head will have 10 working days to investigate as may be necessary and respond to the employee's written grievance.

STEP TWO

If the employee is not satisfied with the Department Head's decision, or if no decision is made within the timeframe described above, the employee may appeal an issue to the Board of Commissioners within ten (10) working days of receipt of the decision or the date the decision was due.

The Board of Commissioners have fifteen working days after receiving the appeal to consider the complaint and render a decision that is final and binding upon the County. The Board of Commissioners may, at their discretion, designate a representative to perform their obligations under this policy.

In all grievance proceedings, employees may, but are not required to, be represented by counsel (at their own expense) and may present evidence and examine and cross-examine witnesses. The County does not reimburse employees for attorney fees in grievance proceedings, even where the grievance is granted.

The County does not tolerate any form of retaliation against employees availing themselves of this policy and procedure. However, this policy does not prevent, limit, or delay the County from taking disciplinary action up to and including termination, when appropriate.

Employees who file a timely grievance of termination will still be in a terminated status while the grievance is pending. Where a termination grievance is approved and the employee is reinstated, the County retains discretion to either approve or refuse a request for back pay.

VOLUNTARY TERMINATION / RESIGNATION/ RETIREMENT

VOLUNTARY RESIGNATION:

Employees desiring to voluntarily terminate their employment relationship with Madison County should notify Madison County in writing at least two weeks in advance of their intended termination. The notice should be given to the Department Head, who should forward copies to the Finance Department and Human Resources. Proper notice generally allows the Finance Department sufficient time to calculate all monies to which the employee may be entitled and to include such monies in the final paycheck.

All terminating employees will receive their final paycheck on the next regularly scheduled payday following the date of termination.

Failure to comply with the notice requirement may be cause for denying future employment with Madison County may result in delay in receiving pay for unused personal leave, and/or may delay processing of retirement benefits.

Payout of benefits and withdrawal of funds from the Public Employees Retirement System will indicate that the employee has voluntarily terminated even though formal written notice may not have been given. Any employee who has voluntarily terminated at any time and is then rehired at a later date, for the purposes of longevity, begin as any other new employee with Madison County would with same waiting periods on benefits etc.

RETIREMENT:

Most County employees are covered by a retirement plan administered by the State of Montana. Nursing home employees may elect retirement plan coverage. Employees who plan to retire are urged to provide Madison County with a minimum of one month's notice. This will allow ample time for the processing of appropriate retirement forms. A retired employee may continue County health insurance coverage, provided that the employee meets the criteria established in § 2-18-704, MCA, or other applicable law, and the premium amounts are paid in accordance with policies established by the Plan Administrator.

REDUCTION IN WORKFORCE:

A. Temporary, Seasonal, and Short-Term Workers

Temporary, seasonal, and short-term workers within the classification and department affected by the reduction in force shall be terminated before any permanent employees will be laid off.

B. Deciding Factors for Permanent Employees

Permanent employees within the same job classification, department, and geographical area affected by the reduction in force will be evaluated for layoff based on program requirements, the employee's skills and qualifications necessary to meet these requirements, and other factors (e.g., other alternatives such as reduced work hours, furloughs, or employee seniority). Employee skills and qualifications may include education, experience, certification, and capabilities in relation to the continuing needs of the department or program; and employment history may include previous performance and disciplinary actions. If there is no documentable difference in employment history factors, an employee's length of continuous employment with the County shall be used as the criterion for retention, with the most senior employee being retained. "Continuous employment' means working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than 15 working days.

C. Veterans' Preferences

A veteran, disabled veteran, or eligible relative shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with

a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications, and length of service. The preference in retention does not apply if a performance appraisal system is being used and the eligible employee has been rated unacceptable. (MCA 39-29-111).

D. Re-Staffing Preferences

In the event the County decides to staff the position as it did prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of layoff. In the event the County decides to fill the position within the one calendar year period, the laid-off individual shall be sent a written notice at his/her last known address. The individual shall have five working days to respond to the written notice. If the individual fails to respond or declines the recall, the individual shall have no further recall rights.

ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK

ACKNOWLEDGEMENT AND RECEIPT OF HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES FOR MADISON COUNTY

I acknowledge receipt of a copy of the Handbook of Personnel Policies and Procedures adopted by Madison County. I understand that I will be responsible for complying with the terms and conditions contained in the Handbook.

DATED this _____ day of _____.

_____ _____

Employee Name (Please Print) **Employee Signature**

_____ _____

Employee's Work Location **Employee Position Title**